

To: Bodine, Susan[bodine.susan@epa.gov]
From: Irving, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A45F241B1CE44B8D9C5EA6FC90925313-IRVING, JOH]
Sent: Thur 3/26/2020 6:28:29 PM (UTC)
Subject: RE: Weekly planning meeting notes

... I think this is what you were looking for in the mass-mailer from Mark ...

As a supervisor, how do I organize a Town Hall meeting for large groups using ReserverationlessPlus?

- A:
- Most Regions and Offices that host Town Hall meetings need to accommodate connections for more than 250 individuals. Offices should use the Operator Assisted ReservationlessPlus Audio Conferencing.
 - This service can accommodate audio conferencing for up to 10,000 users and must be scheduled at least 24 hours in advance, more time is preferred, and can be done so by contacting Conferencing Support at **Ex. 6 Personal Privacy (PP)**
 - Prior to scheduling, you must have a Reservationless Plus account already established. This can be done by ordering the service through the Working Capital Fund “NA” service. If presentation materials need to be shared, we recommend pairing this service with Adobe Connect Web Conferencing service.
 - If you have any questions or concerns, please reach out to the conferencing team at **Ex. 6 Personal Privacy (PP)**
 - For more information on our Web and Audio conferencing services, our website is:

Ex. 6 Personal Privacy (PP) or specifically about Reservationless-Plus Audio Conferencing, our website is:

Ex. 6 Personal Privacy (PP)

John S. Irving
Deputy Assistant Administrator
U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance
Office: (202) 564-2496 / Mobile: **Ex. 6 Personal Privacy (PP)**

From: Irving, John
Sent: Thursday, March 26, 2020 2:28 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: RE: Weekly planning meeting notes

Hi, Susan.

Ok – I’ll get with Vicki on getting a package together for Mandy.

On town halls, yesterday’s Baker Botts call certainly counted as one. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

-- John

John S. Irving
Deputy Assistant Administrator
U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance
Office: (202) 564-2496 / Mobile: **Ex. 6 Personal Privacy (PP)**

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 1:31 PM
To: Irving, John <Irving.John@epa.gov>
Subject: RE: Weekly planning meeting notes

Thanks, please do.

On town hall, we have been remiss (and busy!). Can you look at the mass mailer message Mark circulated last week?

From: Irving, John <Irving.John@epa.gov>
Sent: Thursday, March 26, 2020 1:18 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Weekly planning meeting notes

Hi, Susan.

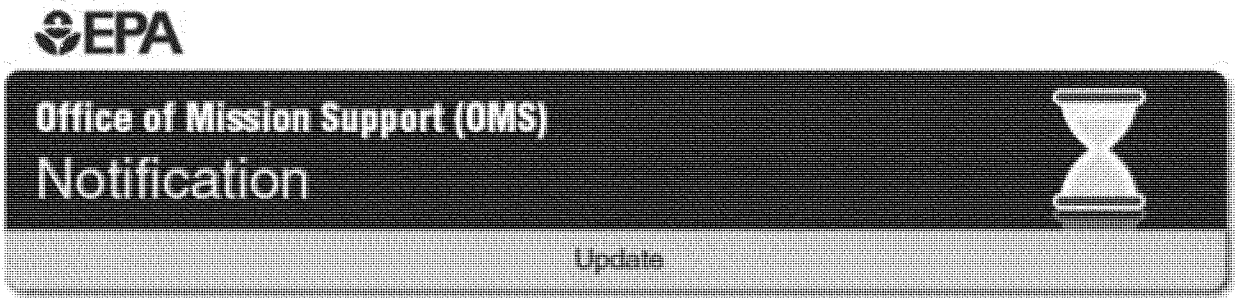
A few main points from today's brief Weekly Planning Meeting:

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-- John

John S. Irving
Deputy Assistant Administrator
U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance
Office: (202) 564-2496 / Mobile: Ex. 6 Personal Privacy (PP)

To: EPA-DynamicMassMailer[EPA-DynamicMassMailer@epa.gov]
From: OMS-MassMailer-Mailbox[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D9D9529E593E402AB3707394C92C48CF-EPA-MASSMAIL]
Sent: Tue 3/24/2020 8:22:08 PM (UTC)
Subject: Remote Access Update



Please do not reply to this email. Thank you.

Affected Location(s): All
Affected System(s): Remote Access

We have experienced a service interruption for the virtual private network (VPN) remote access system located in Research Triangle Park (RTP), NC this afternoon. The system in Washington, DC remains operational. Roughly half of remote access users were impacted by the service interruption.

Services are recovering for impacted users and should stabilize over the next 30 minutes. As we reach peak loads additional instability is possible.

We understand how critical the remote access system is to ensure the success of telework and EPA business during this difficult period.

We continue to work closely with the GSA Networkx contractors and the system vendor to restore and stabilize services under sustained maximum loads.
If you have any questions, please call **Ex. 6 Personal Privacy (PP)** for the Enterprise Information Technology Service Desk (EISD) – or email **Ex. 6 Personal Privacy (PP)**. You can also contact your Local IT Help Desk Support.
We apologize for any inconvenience this may have caused.

To: Bodine, Susan[bodine.susan@epa.gov]; Badalamente, Mark[Badalamente.Mark@epa.gov]; Mazakas, Pam[Mazakas.Pam@epa.gov]; Taylor, Jessica[taylor.jessica@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]
From: Barnet, Henry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB4045A7CA97475698CFCE824AE664B1-BARNET, HENRY]
Sent: Fri 3/20/2020 9:53:35 PM (UTC)
Subject: RE: RESPOINSE NEEDED ASAP: Draft message for COOP activation at R4 Athens offices

Already went out **Ex. 5 Deliberative Process (DP)**

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 20, 2020 5:24 PM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Taylor, Jessica <taylor.jessica@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: RESPOINSE NEEDED ASAP: Draft message for COOP activation at R4 Athens offices

Ex. 5 Deliberative Process (DP)

From: Badalamente, Mark <Badalamente.Mark@epa.gov>
Sent: Friday, March 20, 2020 5:13 PM
To: Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Taylor, Jessica <taylor.jessica@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RESPOINSE NEEDED ASAP: Draft message for COOP activation at R4 Athens offices
Importance: High

Beverly Banister called me to let me know that they are activating COOP for the offices in Athens, GA (ORD lab and other offices). They have already been in contact with **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP) Below is a draft of the message Region 4 will be issuing to all employees in the effected buildings, including **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP) **Please let me know ASAP if you have concerns with the message, which Region 4 plans to send today.** In addition, please let me know **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Thanks
– Mark

Mark Badalamente
Director, Office of Administration and Policy
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South
Office: 202-564-4673
Mobile: **Ex. 6 Personal Privacy (PP)**



From: Jones, Aaryn <Jones.Aaryn@epa.gov>
Sent: Friday, March 20, 2020 4:45 PM
To: Badalamente, Mark <Badalamente.Mark@epa.gov>
Cc: Banister, Beverly <Banister.Beverly@epa.gov>
Subject: Draft message for COOP activation at R4 Athens offices

Hi Mark,

Please see below draft language activating the COOP for the Athens, GA R4 offices and ORD lab based on the local order to shelter in place for Athens-Clarke County. My regional administrator, Mary Walker, would like this message to go out today.

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Aaryn Jones
Special Assistant
Immediate Office, Office of the Regional Administrator
Region 4, U.S. EPA
Office: (404) 562-8969
Cell: Ex. 6 Personal Privacy (PP)

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Ex. 5 Deliberative Process (DP)

To: Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: DeLeon, Rafael[Deleon.Rafael@epa.gov]; Nearhood, Jennifer[Nearhood.Jennifer@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Mackey, Cyndy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2F2B414786040EE8D75A21FA1C04A9B-MACKEY, CYNDY]
Sent: Wed 3/18/2020 6:32:13 PM (UTC)
Subject: RE: Question/issue for OECA call today

Yes, we are working on that for settlement agreements/orders....

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

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 Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 18, 2020 2:30 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Nearhood, Jennifer <Nearhood.Jennifer@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Question/issue for OECA call today

OK
And do we offer to draft template language so we can coordinate with OCE?

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Wednesday, March 18, 2020 2:29 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Nearhood, Jennifer <Nearhood.Jennifer@epa.gov>
Subject: FW: Question/issue for OECA call today

Larry & Susan:

Given the coronavirus issues that are arising in the regions related to SF sites, I suggest that we reorder the agenda to focus first on hearing questions from the regions related to PRP lead SF cleanups, including the following:

- Extensions and force majeure
- Initiation of new issuance of new actions (notice letters, information requests and orders). For the later, I

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- Pending enforcement actions

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Ex. 5 Deliberative Process (DP) Let me know if you have any concerns about this last minute change in the agenda.

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

 Office Cell)

From: Peterson, Mary <Peterson.Mary@epa.gov>
Sent: Wednesday, March 18, 2020 2:10 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>
Cc: Hoefer, David <Hoefer.David@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>
Subject: Question/issue for OECA call today

Hi Cyndy and Rafael,

I wanted to give you a heads up on a question we have in R7 (and I assume other regions too). This will likely get raised on the call today. Here's the issue:

Regions need some guidance and consistent language we can provide to PRPs in a number of circumstances including 1) New notice letters going out and 2) requests from PRPs to pause on actions and/or reporting requirements in orders and CDs. In R7 we are holding a package of new notice letters to initiate negotiations on a NTCRA (so its not urgent) but we would like to proceed if that is supported by OECA. We would like to include some language in the notice letters that at least acknowledges our sensitivity to the current hardships being faced by municipalities and businesses, and indicating a willingness to work with them on timing of negotiations and performance of work. We can of course come up with our own language, but we would prefer OSRE develop the language that can be provided to all regions to ensure consistency.

Thanks for your help in these unusual times.

Mary P. Peterson, Director

Superfund & Emergency Management Division

EPA Region 7 | 11201 Renner Blvd | Lenexa, KS 66219

913-551-7882 (o) | Ex. 6 Personal Privacy (PP) (c) | peterson.mary@epa.gov



Cleaning Up & Restoring the Heartland

Under the foundational principles of integrity, sound science, & rule of law,
we value: *Accountability* ★ *Teamwork* ★ *Service* ★ *Respect*

To: OECA Office Directors and Deputy Directors[OECA_Office_Directors_and_Deputy_Directors@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]
From: Badalamente, Mark[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4ED0B573C0F1410CA3B836DFDCDF189D-MBADALAM]
Sent: Sat 3/21/2020 12:17:42 AM (UTC)
Subject: FW: Request for Waiver to Use Microsoft Word Digital Signature Technology
Digital Signature Waiver MSWord Approval VWN.pdf

Vaughn has now authorized the use of the Microsoft Word digital signature capability for use in regulatory actions – specifically for federal register documents. It is still not authorized for other uses. Adobe continues to be the Agency standard for digital signatures for all other uses.

Mark Badalamente
Director, Office of Administration and Policy
Senior Resource Official (SRO)
Senior Information Official (SIO)
Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency
William Jefferson Clinton Building
Room 3235 South
Office: 202-564-4673
Mobile: Ex. 6 Personal Privacy (PP)



From: Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Sent: Friday, March 20, 2020 4:59 PM
To: CIO SAC Members <CIO_SAC_Members@epa.gov>
Cc: Alvarado, David <alvarado.david@epa.gov>; Henderson, Austin <Henderson.Austin@epa.gov>
Subject: FW: Request for Waiver to Use Microsoft Word Digital Signature Technology

FYI

From: Alvarado, David <alvarado.david@epa.gov> **On Behalf Of** Noga, Vaughn
Sent: Friday, March 20, 2020 4:58 PM
To: SIOs <SIOs@epa.gov>
Cc: Maher, Karen <Maher.Karen@epa.gov>; Kerwin, Courtney <Kerwin.Courtney@epa.gov>; Henderson, Austin <Henderson.Austin@epa.gov>; Alvarado, David <alvarado.david@epa.gov>; Collard, Erin <Collard.Erin@epa.gov>; Wells, Jeffrey <Wells.jeffrey@epa.gov>; Lee, Maja <Lee.Maja@epa.gov>
Subject: Request for Waiver to Use Microsoft Word Digital Signature Technology

MEMORANDUM

SUBJECT: Request for Waiver to Use Microsoft Word Digital Signature Technology

FROM: Vaughn Noga, Chief Information Officer
and Deputy Assistant Administrator for Environmental Information

TO: Senior Information Officials

The Regulatory Support Division in the Office of Mission Support has requested an Agency-wide waiver on your behalf to enable your office to continue to use Microsoft Word’s digital signature technology in lieu of the Agency’s standard, Adobe, to process Federal Register notices. I approve that request. Note that waivers will still be required for any uses of Word’s digital signature

technology outside of the Federal Register process.

Please contact Karen Maher if you have any questions or would like more information. Thank you.

Vaughn Noga, Chief Information Officer
and Deputy Assistant Administrator for Environmental Information
Office of Mission Support
U.S. Environmental Protection Agency
1200 Pennsylvania Ave
Washington DC 20460



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF MISSION SUPPORT

MEMORANDUM

SUBJECT: Request for Waiver to Use Microsoft Word Digital Signature Technology
FROM: Vaughn Noga, Chief Information Officer **NOGA**
and Deputy Assistant Administrator for Environmental Information
TO: Senior Information Officials

Digitally signed by
VAUGHN NOGA
Date: 2020.03.20
16:47:17 -04'00'

The Regulatory Support Division in the Office of Mission Support has requested an Agency-wide waiver on your behalf to enable your office to continue to use Microsoft Word's digital signature technology in lieu of the Agency's standard, Adobe, to process Federal Register notices. I approve that request. Note that waivers will still be required for any uses of Word's digital signature technology outside of the Federal Register process.

Please contact Karen Maher if you have any questions or would like more information. Thank you.

cc: Vaughn Noga, CIO
Erin Collard, OMS
Karen Maher, OMS
Maja Lee, OMS
Jeff Wells, OMS
Courtney Kerwin, OMS
Austin Henderson, OMS
David Alvarado, OMS

To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]; Miles, James[miles.james@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]; Garvey, Mark[Garvey.Mark@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Milton, Philip[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ED0C63E6A4D2485C95C2CC4D36A5169D-PMILTON]
Sent: Fri 2/28/2020 3:07:59 PM (UTC)
Subject: Update on Coronavirus Impact on Formaldehyde Rule TPC requirements - Revised Q&A posted

I received an email from OPPT yesterday afternoon regarding its FAQ on TPC’s dealing with issues surrounding travel restrictions due to the Coronavirus. See email text below...

Ex. 5 Deliberative Process (DP)

Philip L. Milton
Chemical Engineer | U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch
1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460
Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Monday, February 24, 2020 8:16 AM
To: Milton, Philip <Milton.Philip@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>
Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Milton, Philip <Milton.Philip@epa.gov>

Sent: Monday, February 24, 2020 6:47 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

I've not followed the ins and outs of the EO requirements, but my understanding is that OPPT intends to post the FAQ before the end of the week.... is there a timing component of the EO?

Philip L. Milton

Chemical Engineer I U.S. Environmental Protection Agency

Office of Enforcement & Compliance Assurance I Office of Civil Enforcement I Waste and Chemical Enforcement Division I Chemical Risk and Reporting Enforcement Branch

1200 Pennsylvania Avenue, NW I Mail Code: 2249A I WJC South Bldg Rm 3124-B I Washington, DC 20460

Milton.philip@epa.gov I phone: 202-564-5029 I fax: 202-564-0010

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, February 21, 2020 4:56 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Ex. 5 Deliberative Process (DP)

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Friday, February 21, 2020 4:20 PM

To: Milton, Philip <Milton.Philip@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Thanks Phil.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Milton, Philip <Milton.Philip@epa.gov>

Sent: Friday, February 21, 2020 12:54 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Agency Deliberative Process – Please do not release

Greg and Mike –

I spoke to James this morning regarding OPPT's (with OGC review) proposed path forward for addressing heightened travel restrictions in China affecting the required in-person TSCA Title VI quarterly inspections/sample collection/testing of composite wood products for panel producers residing in China. He asked that I send you this email giving you a heads-up.

ED_004611E_00001123-00002

OECA COVID-19 2020
FOIAs_Production006

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Please let me know if you have any questions.

V/r

Phil

Philip L. Milton

Chemical Engineer | U.S. Environmental Protection Agency

Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch

1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460

Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Coleman, Todd <coleman.todd@epa.gov>

Sent: Friday, February 21, 2020 8:45 AM

To: Milton, Philip <Milton.Philip@epa.gov>

Subject: Coronavirus Option/FAQ

Current paper (in OPPT IO for review) and current FAQ (OGC has not signed off on FAQ – but I don't expect too much pushback on it).

Todd Coleman

U.S. Environmental Protection Agency

Office of Pollution Prevention and Toxics

(202) 564-1208

To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]; Miles, James[miles.james@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]; Garvey, Mark[Garvey.Mark@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Milton, Philip[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ED0C63E6A4D2485C95C2CC4D36A5169D-PMILTON]
Sent: Fri 2/28/2020 3:07:59 PM (UTC)
Subject: Update on Coronavirus Impact on Formaldehyde Rule TPC requirements - Revised Q&A posted

Ex. 5 Deliberative Process (DP)

FAQ below for your convenience....

13. In the event of unsafe conditions in the geographic area that would prevent a third-party certifier (TPC) from traveling in-person to that area, how can a TPC work with one of its TSCA Title VI-certified composite wood product manufacturing panel producers to conduct quarterly inspections (including sampling collections of composite wood products) to ensure TSCA Title VI compliance until the unsafe conditions are no longer present?

In the event of unsafe conditions (e.g., natural disasters, outbreaks, political unrest, epidemics, and pandemics) in the area of a composite wood product manufacturing panel producer, in order to conduct the required quarterly inspections and sample collections, the TPC could conduct a remote quarterly inspection via teleconference to satisfy the requirements of 40 CFR 770.7(c)(4)(i)(F), and work with the panel producer quality control manager at that time to select, package, sign, and ship the TPC panels/samples for the quarterly test according to 40 CFR 770.20(c). TPCs and panel producers should also remain in close communication with each to ensure any changes or developments that might affect the panel producer or product type certification are managed according to the TSCA Title VI regulations. The panel producer and TPC should also document each unsafe conditions occurrence for auditing purposes, and the TPC should notify EPA through its TSCA Title VI accrediting body/third-party certifier general mailbox (TSCATitleVI-AB@epa.gov) when this remote method of quarterly inspection is being used. The standard practice for a TPC providing certification services for composite wood panel producers remains that a TPC conducts in-person quarterly inspections and sample collection, packaging, signature, and shipping for quality control testing.

Philip L. Milton
Chemical Engineer | U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch
1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460
Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Monday, February 24, 2020 8:16 AM
To: Milton, Philip <Milton.Philip@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>
Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

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From: Milton, Philip <Milton.Philip@epa.gov>

Sent: Monday, February 24, 2020 6:47 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Ex. 5 Deliberative Process (DP)

Philip L. Milton

Chemical Engineer I U.S. Environmental Protection Agency

Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch

1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460

Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, February 21, 2020 4:56 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Ex. 5 Deliberative Process (DP)

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Friday, February 21, 2020 4:20 PM

To: Milton, Philip <Milton.Philip@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: RE: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Ex. 5 Deliberative Process (DP)

From: Milton, Philip <Milton.Philip@epa.gov>

Sent: Friday, February 21, 2020 12:54 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>

Subject: Heads-up on Coronavirus Impact on Formaldehyde Rule TPC requirements -- OPPT/OGC prop

Agency Deliberative Process – Please do not release

Greg and Mike –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions.

V/r

Phil

Philip L. Milton

Chemical Engineer | U.S. Environmental Protection Agency

Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch

1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460

Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Coleman, Todd <coleman.todd@epa.gov>

Sent: Friday, February 21, 2020 8:45 AM

To: Milton, Philip <Milton.Philip@epa.gov>

Subject: Coronavirus Option/FAQ

Current paper (in OPPT IO for review) and current FAQ (OGC has not signed off on FAQ – but I don't expect too much pushback on it).

Todd Coleman

U.S. Environmental Protection Agency

Office of Pollution Prevention and Toxics

(202) 564-1208

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/13/2020 7:11:13 PM (UTC)
Subject: RE: Coronavirus question -- draft email to regions....thoughts?

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 13, 2020 11:23 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Coronavirus question

Carol –

Are you working today? It would be good to talk about this.

Rosemarie

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 7:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Coronavirus question

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
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1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Mar 12, 2020, at 10:30 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Rosemarie

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>

Date: March 12, 2020 at 8:42:59 PM EDT

To: "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com>, "Welton, Patricia" <Welton.Patricia@epa.gov>

Cc: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>

Subject: Re: Coronavirus question

Hi Matt. Thanks for this inquiry about virus-related compliance issues in Texas. Referring this to Patricia Welton, who is serving as acting Regional Counsel for Region 6. Last Fall I moved to the agency's OGC in DC. Jim 202-564-0212

Sent from my iPhone

On Mar 12, 2020, at 6:36 PM, "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com> wrote:

Jim, the TIP group has a meeting tomorrow focused on Coronavirus-related compliance issues. A member asked about enforcement discretion for deferral of scheduled RMP-related audits and similar issues in EPA's realm. We'd be interested in a process, or at least the right contact, for our members to use. If you have a minute, please call me on cell at 713-504-0313.

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To: Holmes, Carol[Holmes.Carol@epa.gov]; Froikin, Sara[Froikin.Sara@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov];
Fried, Gregory[Fried.Gregory@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
Cc: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Brooks, Phillip[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E89130D467DF414390F076286D938815-BROOKS, PHILLIP]
Sent: Fri 3/13/2020 6:40:25 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance (Pharma)
2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis 3.13.20 version 2.docx

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol

Sent: Friday, March 13, 2020 12:51 PM

To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;

Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – sorry, but this is very frustrating since conversations with Susan are happening and calls are scheduled when I am not available. What, again, is the rush to get this done today?

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Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>

Sent: Friday, March 13, 2020 12:32 PM

To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;

Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: RE: PR Industry request for No Action Assurance (Pharma)

ED_004611E_00001365-00001

OECA COVID-19 2020
FOIAs_Production006

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol

Sent: Friday, March 13, 2020 11:05 AM

To: Froikin, Sara <Froikin.Sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Sara —

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Washington, DC 20460
Phone (202) 564-8709

From: Froikin, Sara <Froikin.Sara@epa.gov>

Sent: Friday, March 13, 2020 11:03 AM

To: Holmes, Carol <Holmes.Carol@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: RE: PR Industry request for No Action Assurance (Pharma)

Hi Carol,

Ex. 5 Deliberative Process (DP)

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Friday, March 13, 2020 10:56 AM

To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – again, I’m sorry I’ve missed some recent calls and thus still have questions concerns. I saw in Sara’s notes (thanks!)

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Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 10:02 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana’s in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2

290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Aber, Bruce[Aber.Bruce@epa.gov]; Adams, Carolina[adams.carolina@epa.gov]; Alexander, David[Alexander.David@epa.gov]; Alkon, Margaret[Alkon.Margaret@epa.gov]; Ambrosino, Helene[Ambrosino.Helene@epa.gov]; Anderson, Kate[Anderson.Kate@epa.gov]; Andrews, Mary[Andrews.Mary@epa.gov]; Arrazola, Ignacio[arrazola.ignacio@epa.gov]; Baird, Richard[Baird.Richard@epa.gov]; Bandrowicz, Toni[bandrowicz.toni@epa.gov]; Baney, Tony[Baney.Tony@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Bartley, Richard[Bartley.Richard@epa.gov]; Barton, Kasey[Barton.Kasey@epa.gov]; Beckwith, Natalie[Beckwith.Natalie@epa.gov]; Belser, Evan[Belser.Evan@epa.gov]; Bending, Padmavati[bending.padmavati@epa.gov]; Benjamin, Deborah[Benjamin.Deborah@epa.gov]; BERMAN, TESSA[Berman.Tessa@epa.gov]; Bickmore, Ryan[bickmore.ryan@epa.gov]; Bigioni, Neil[bigioni.neil@epa.gov]; Bishlawi, Randa[Bishlawi.Randa@epa.gov]; Bohan, Suzanne[bohan.suzanne@epa.gov]; Bosch, Raymond[Bosch.Raymond@epa.gov]; Brantner, Kelly A.[Brantner.Kelly@epa.gov]; 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Olivier, Tom[olivier.tom@epa.gov]; Olson, Erik[olson.erik@epa.gov]; O'Meara, Nidhi[Omeara.Nidhi@epa.gov]; Ordonez, Efren[Ordonez.Efren@epa.gov]; Palermo, Mark[palermo.mark@epa.gov]; Peaceman, Karen[Peaceman.Karen@epa.gov]; Peachey, Robert[peachey.robert@epa.gov]; Pearson, Evan[Pearson.Evan@epa.gov]; Pierce, Jennifer[pierce.jennifer@epa.gov]; Piggott, Amelia[Piggott.Amelia@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Portmess, Jessica[Portmess.Jessica@epa.gov]; Presler, Amos[presler.amos@epa.gov]; Price, Aaron[price.aaron@epa.gov]; Raack, Pete[Raack.Pete@epa.gov]; Rae, Sarah[Rae.Sarah@epa.gov]; Ramalho, Louis[Ramalho.Louis@epa.gov]; Redleaf-Durbin, Joan[Redleaf-Durbin.Joan@epa.gov]; Regna, Jean[Regna.Jean@epa.gov]; Reynolds, Rebekah[Reynolds.Rebekah@epa.gov]; Riedel, Brian[riedel.brian@epa.gov]; Rivera-Ocasio, Evelyn[Rivera-Ocasio.Evelyn@epa.gov]; Rog, Morgan[Rog.Morgan@epa.gov]; Roland, Alexandra[Roland.Alexandrea@epa.gov]; Rongone, Marie[Rongone.Marie@epa.gov]; Root, Kathleen[Root.Kathleen@epa.gov]; Rose, Cheryl[Rose.Cheryl@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Salisbury, Demetra[Salisbury.Demetra@epa.gov]; Saporita, Chris[Saporita.Chris@epa.gov]; Sawyer, William[Sawyer.William@epa.gov]; Schaaf, Eric[Schaaf.Eric@epa.gov]; Schefski, Kenneth[Schefski.Kenneth@epa.gov]; Schefski, Melissa[Schefski.Melissa@epa.gov]; Schilling, Leonard[Schilling.Leonard@epa.gov]; Seager, Cheryl[Seager.Cheryl@epa.gov]; Shamet, Stefania[Shamet.Stefania@epa.gov]; Sharke, Janet[Sharke.Janet@epa.gov];

Shiffman, Cari[Shiffman.Cari@epa.gov]; Simmons, Nicole (Lindsay)[Simmons.Nicole@epa.gov]; Simon, Paul[Simon.Paul@epa.gov]; Simons, Andrew[Simons.Andrew@epa.gov]; Smith, Robert H[smith.roberth@epa.gov]; Smith-Watts, David[Smith-Watts.David@epa.gov]; Soden, Caitlin[Soden.Caitlin@epa.gov]; Speir, Jeffrey[speir.jeffrey@epa.gov]; Spielmann, Lee[Spielmann.Lee@epa.gov]; Steinberg, Kayla[steinberg.kayla@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Stephanos, Ann[Stephanos.Ann@epa.gov]; Sugerman, Rebecca[Sugerman.Rebecca@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Sullivan, Tim[Sullivan.Tim@epa.gov]; Swanson, Amy[Swanson.Amy@epa.gov]; Talbot, Kristine[Talbot.Kristine@epa.gov]; Tanimura, Erin[Tanimura.Erin@epa.gov]; Taylor, Karen[Taylor.Karen@epa.gov]; Teter, Royan[Teter.Royan@epa.gov]; Thompson, Christopher[Thompson.Christopher@epa.gov]; Tozzi, Lauren[Tozzi.Lauren@epa.gov]; Trawick, Matthew[Trawick.Matthew@epa.gov]; Tripathi, Arati[Tripathi.Arati@epa.gov]; Trivedi, Adrienne[Trivedi.Adrienne@epa.gov]; Tubbs, Marvin[Tubbs.Marvin@epa.gov]; Utting, George[Utting.George@epa.gov]; Velez, Hector[Velez.Hector@epa.gov]; Vergeront, Julie[Vergeront.Julie@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov]; Vinch, James[Vinch.James@epa.gov]; VonVacano, Marcela[VonVacano.Marcela@epa.gov]; Wagner, Michael[wagner.michael@epa.gov]; Weiner, Marc[Weiner.Marc@epa.gov]; Weiss, Cynthia[Weiss.Cynthia@epa.gov]; Welles, Laura[Welles.Laura@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]; Williams, Ann[Williams.Ann@epa.gov]; Wood, Nicole[wood.nicole@epa.gov]; Woodward, Kathleen[Woodward.Kathleen@epa.gov]; Yeany, Philip[Yeany.Philip@epa.gov]; Zaharoff, Josh[Zaharoff.Josh@epa.gov]; Zequeira, C[Zequeira.C@epa.gov]; Ziegel, Dean[Ziegel.Dean@epa.gov]; Zucker, Audrey[Zucker.Audrey@epa.gov]

Cc: Garypie, Catherine[garypie.catherine@epa.gov]
From: Livingston, Peggy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3400499519284088AB18DF0935E6665C-LIVINGSTON, PEGGY]
Sent: Thur 3/26/2020 6:36:52 PM (UTC)
Subject: FW: Requests for Extensions/Force Majeure
Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program (March 26, 2020).pdf

FYI. Just in. Stay well.

Peggy Livingston
Senior Assistant Regional Counsel
Regulatory Enforcement Section
Region 8, U.S. EPA
1595 Wynkoop Street
Denver, CO 80202
303-312-6858 (phone)

From: Garypie, Catherine <garypie.catherine@epa.gov>
Sent: Thursday, March 26, 2020 12:31 PM
To: Livingston, Peggy <Livingston.Peggy@epa.gov>
Subject: FW: Requests for Extensions/Force Majeure

FYI

Ex. 5 Deliberative Process (DP)

From: Nelson, Leverett <nelson.leverett@epa.gov>
Sent: Thursday, March 26, 2020 1:20 PM
To: R5 ORC ALL ATTORNEY <R5_ORC_ALL_ATTORNEY@epa.gov>
Cc: Harris, Michael <harris.michael@epa.gov>; Anderson, Andrew <anderson.andrew@epa.gov>
Subject: RE: Requests for Extensions/Force Majeure

The promised OECA guidance was just issued.

From: Lupton, Jane <lupton.jane@epa.gov>
Sent: Thursday, March 26, 2020 8:27 AM
To: R5 ORC ALL ATTORNEY <R5_ORC_ALL_ATTORNEY@epa.gov>
Subject: Requests for Extensions/Force Majeure

All,

We are getting many questions about requests for extensions and force majeure notifications. We await guidance from OECA; in the meantime, here are some guidelines:

Ex. 5 Deliberative Process (DP)

Please continue to raise questions as they come up in your cases. We appreciate your patience as we work through these issues.

Jane

To: Crossland, Andy[Crossland.Andy@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Thur 3/26/2020 3:52:21 PM (UTC)
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Crossland, Andy <Crossland.Andy@epa.gov>
Sent: Thursday, March 26, 2020 11:50 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

-Andy

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Thursday, March 26, 2020 11:47 AM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

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Senior Counsel
Crosscutting Policy Staff

Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

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Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>

Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19

John and Carol—

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Stephanos, Ann <Stephanos.Ann@epa.gov>

Sent: Tuesday, March 24, 2020 1:41 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>

Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

Ex. 5 AC/DP

Ann

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Monday, March 23, 2020 5:23 PM

To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Ann

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 4:54 PM

To: Groce, Bryan <Groce.Bryan@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC

Ex. 6 Personal Privacy (PP)

Twitter: @EPALand, #NoWastedFood

From: Groce, Bryan <Groce.Bryan@epa.gov>

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To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi Ann and Kathy,

I am resending the email below again since I didn't include you on it previously.

From: Groce, Bryan

Sent: Monday, March 23, 2020 3:25 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

P.S.

We have received at least one other email regarding this matter.

From: Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Sent: Monday, March 23, 2020 1:52 PM

To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>; Groce, Bryan <Groce.Bryan@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Thanks – looping in Scott and Bryan

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 1:49 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Mimi and all,

Please see mail from Stericycle and their proposed workaround for shippers refusing to sign manifests. Please coordinate with OGC/OECA.

From: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>

Sent: Monday, March 23, 2020 1:42 PM

To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: RE: Issues with Generator Signature during COVID-19

Selin, receipt confirmed. Will be discussing with DOT management as per next steps.

Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan

Director, Southern Region

Office of Hazardous Materials Safety, Field Operations

Pipeline and Hazardous Materials Safety Administration

U.S. Department of Transportation

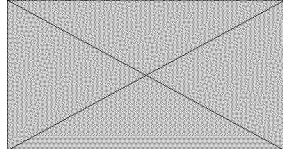
230 Peachtree Street NW, Suite 2100 (PHH-46)

Atlanta, Georgia 30303

☎: (404) 832-1135 📧: John.Heneghan@dot.gov ⓘ Ex. 6 Personal Privacy (PP)

Webpage: phmsa.dot.gov/hazmat

Linkedin: www.linkedin.com/in/johnheneghan



From: Hoboy, Selin [<mailto:SHoboy@STERICYCLE.com>]

Sent: Monday, March 23, 2020 1:31 PM

To: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>; Salyer.kathleen@Epa.gov

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: Issues with Generator Signature during COVID-19

Importance: High

Dear John and Kathleen,

I am reaching out to address the issue we are having with shippers (generators) signing on shipping documents and manifests for

hazardous materials in transport. Several of our shippers for both regulated medical waste but also in some few cases hazardous waste are refusing to sign on the shipping document/manifest due to concerns around social distancing and safety during the COVID-19 pandemic crisis.

I know that for hazardous waste there is some relief in the rule if there is authorization to sign on behalf of the generator, however in these circumstances we may or may not have that authorization available and it is increasingly difficult to get a response from hospital administration.

Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	Technician asks Generator's representative for spelling of full name. Technician prints Generator's full name in box 15 of UHW manifest. Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest. Technician prints date on box 15 of UHW manifest Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols
UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	Driver asks Generator's representative for spelling of full name. Driver prints Generator's full name in box 3 on RMW manifest. Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest. Driver prints date in box 3 on RMW manifest Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols
Generator refuses to sign the Handheld for no-manifest customers	Driver asks Generator representative for spelling of full name Driver enters generators full name into the Handheld (PDT) On the signature screen, driver enters "Generator Refused to sign COVID-19"
RMW manifest copy distribution	Driver provides Generator's representative with appropriate copy of RMW manifest Driver prints out generator copy of tickertape and offers it for their records. <ul style="list-style-type: none"> If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

Driver prints Generator's full name RX36 - Medium SG91/SI91 - Sha		Driver notes that Generator refused to sign manifest		Driver prints date	
3. Generator's Certification: "I hereby declare that the contents of this container are as described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."					
X Printed/Typed Name Betsy Long		Signature Customer Refused to sign: COVID-19		Date 3/23/20	
PRIMARY TRANSPORTER	4. TRANSPORTER 1 ADDRESS: Stericycle, Inc. 4403 Republic Ct Concord, NC 28027		<input type="checkbox"/> This is a Through Shipment		Phone # 704-795-1125
	TRANSPORTER CERTIFICATION: Receipt of medical waste as described above. Print/Type Name Greg Berry		Signature [Signature]		Date 3/23/20
TRANSPORTER 2 / INTERMEDIATE HANDLER	5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS: INTERM Driver prints, signs, and dates manifest as Transporter 1		Signature [Signature]		Date 3/23/20
	6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS: DATE		Signature [Signature]		Date 3/23/20

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy

Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: Ex. 6 Personal Privacy (PP) | shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

CONFIDENTIALITY NOTICE: The information in this Email is confidential and may be privileged. This Email is intended solely for the named recipient or recipients. If you are not the intended recipient, any use, disclosure, copying or distribution of this Email is prohibited. If you are not the intended recipient, please inform us by replying with the subject line marked "Wrong Address" and then deleting this Email and any attachments. Stericycle, Inc. uses regularly updated anti-virus software in an attempt to reduce the possibility of transmitting computer viruses. We do not guarantee, however, that any attachments to this Email are virus-free. Nota de confidencialidad: La información que presenta este correo es confidencial, y puede ser de uso privilegiado. Este correo intenta ser enviado solo al destinatario, o a los destinatarios. Si usted no es el destinatario, no podrá usar, desglosar, copiar, o distribuir la información de este correo ya que está prohibido. Si usted no es el correcto destinatario, por favor infórmenos reenviándonos el mismo con el asunto "Dirección Incorrecta", y luego borre el correo y los adjuntos. Stericycle, Inc. usa regularmente actualizaciones de software anti-virus para así reducir posibles virus. De todas maneras, no garantizamos que los adjuntos estén libres de virus.

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]
Cc: Crossland, Andy[Crossland.Andy@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
From: Sullivan, Greg[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=617761BAB33D4773B7F976B1EAD8B9B5-GSULLI02]
Sent: Thur 3/26/2020 3:40:59 PM (UTC)
Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19
Manifest Email Authorization PHMSA (EPAComments) .docx

John and Carol

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Stephanos, Ann <Stephanos.Ann@epa.gov>
Sent: Tuesday, March 24, 2020 1:41 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

Ex. 5 AC/DP

Ann

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Subject: FW: Issues with Generator Signature during COVID-19

Ann

Ex. 5 AC/DP

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Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC

Ex. 6 Personal Privacy (PP)

Twitter: @EPALand, #NoWastedFood

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Sent: Monday, March 23, 2020 1:42 PM

To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

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Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan

Director, Southern Region

Office of Hazardous Materials Safety, Field Operations

Pipeline and Hazardous Materials Safety Administration

U.S. Department of Transportation

230 Peachtree Street NW, Suite 2100 (PHH-46)

Atlanta, Georgia 30303

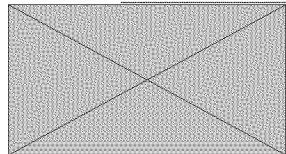
☎: (404) 832-1135 📧: John.Heneghan@dot.gov



Ex. 6 Personal Privacy (PP)

Webpage: phmsa.dot.gov/hazmat

Linkedin: www.linkedin.com/in/johnheneghan



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Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	<p>Technician asks Generator's representative for spelling of full name.</p> <p>Technician prints Generator's full name in box 15 of UHW manifest.</p> <p>Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest.</p> <p>Technician prints date on box 15 of UHW manifest</p> <p>Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols</p>
UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	<p>Driver asks Generator's representative for spelling of full name.</p> <p>Driver prints Generator's full name in box 3 on RMW manifest.</p> <p>Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest.</p> <p>Driver prints date in box 3 on RMW manifest</p> <p>Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols</p>
Generator refuses to sign the Handheld for no-manifest customers	<p>Driver asks Generator representative for spelling of full name</p> <p>Driver enters generators full name into the Handheld (PDT)</p> <p>On the signature screen, driver enters "Generator Refused to sign COVID-19"</p>
RMW manifest copy distribution	<p>Driver provides Generator's representative with appropriate copy of RMW manifest</p> <p>Driver prints out generator copy of tickertape and offers it for their records.</p> <ul style="list-style-type: none"> If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

UN3291, Regulated Medical Waste, n.p.s.		RX36 - Medium	Driver prints
Generator's full name		SG91/SI91 - Sh	Driver prints date
3. Generator's Certification: "I hereby declare that the contents of this container are not infectious, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."		Driver notes that Generator refused to sign manifest	
X Printed/Typed Name Betsy Long		Signature Customer Refused to sign: COVID-19	Date 3/23/20
PRIMARY TRANSPORTER	4. TRANSPORTER 1 ADDRESS: Stericycle, Inc. 4403 Republic Ct Concord, NC 28027		Phone #: 704-795-1125 Applicable Permit Numbers: SC14-02T
	<input type="checkbox"/> This is a Through Shipment		
TRANSPORTER 2 / INTERMEDIATE HANDLER	TRANSPORTER CERTIFICATION: Receipt of medical waste as described above.		
	Print/Type Name Greg Berry	Signature Greg Berry	Date 3/23/20
INTERMEDIATE HANDLER	5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:		Phone #: Applicable Permit Numbers:
	Driver prints, signs, and dates manifest as Transporter 1		
DATE	6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:		Phone #: Applicable Permit Numbers:

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy
Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: Ex. 6 Personal Privacy (PP) | shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

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To: Brooks, Phillip[Brooks.Phillip@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
Cc: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Schaaf, Eric[Schaaf.Eric@epa.gov]; Simon, Paul[Simon.Paul@epa.gov]
From: Froikin, Sara[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E52FE29F223F4E869B82918294900D8F-FROIKIN, SARA]
Sent: Fri 3/13/2020 5:29:13 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance (Pharma)
2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis 3.13.20 sf ps ch.docx

PRIVILEGED

Hi All,

Ex. 5 Deliberative Process (DP)

FYI, I will be offline at 2:30 today; **Ex. 6 Personal Privacy (PP)**

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 1:23 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol
Sent: Friday, March 13, 2020 12:51 PM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – sorry, but this is very frustrating since conversations with Susan are happening and calls are scheduled when I am not available. What, again, is the rush to get this done today?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks!

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 12:32 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol
Sent: Friday, March 13, 2020 11:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Sara – **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

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Senior Counsel
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1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Froikin, Sara <Froikin.Sara@epa.gov>
Sent: Friday, March 13, 2020 11:03 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Hi Carol,

Ex. 5 Deliberative Process (DP)

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 10:56 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – again, I’m sorry I’ve missed some recent calls and thus still have questions concerns. I saw in Sara’s notes (thanks!)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes

Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 10:02 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana's in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review: Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Wed 3/11/2020 1:26:00 AM (UTC)
Subject: Re: State Requests - CONVID-19 Quarantine Facilities

Adding in Amy.

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Office of Civil Enforcement (MC 2241A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-8709

On Mar 10, 2020, at 7:52 PM, Fogarty, Johnpc <Fogarty.Johnpc@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Mar 10, 2020, at 7:37 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

It looks like this email thread continued and you were not plugged in.

Rosemarie

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Tuesday, March 10, 2020 2:16 PM
To: Payne, James <payne.james@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Gray, David <gray.david@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Ex. 5 Deliberative Process (DP)

From: Payne, James

Sent: Tuesday, March 10, 2020 12:35 PM

To: Welton, Patricia <Welton.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Gray, David <gray.david@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: Re: State Requests - CONVID-19 Quarantine Facilities

To Patricia Welton, Acting Regional Counsel, Region 6

Thanks for your note on states requesting assistance with how potential quarantines may affect implementation of and compliance with environmental laws, perhaps with some similarities to hurricane response. You mentioned one Region 6 refinery has submitted a force majeure notice under an existing enforcement consent decree.

As to OGC, connecting you with Jen Lewis and John Michaud, as they oversee OGC legal support team for emergency response. My understanding is that earlier there had been some internal legal preparations related to Ebola.

Sent from my iPhone

On Mar 10, 2020, at 11:36 AM, Welton, Patricia <Welton.Patricia@epa.gov> wrote:

Good Morning

Region 6 is getting questions from our states requesting frameworks for moving forward in the event of Covid-19 quarantines and will likely be asking for expressions of flexibility for a number of requirements.

Do you know if there is any national guidance coming out or existing resources we can point states to?

As for existing - this seems that it could be similar to a hurricane situation.

In an additional note, we have received one Force Majeure notice already from a refinery under CD in anticipation of a potential event.

I appreciate any guidance,

Tricia

214-665-7327

Rosemarie – I note Larry may be out so sharing this email with you also.

From: Seager, Cheryl <Seager.Cheryl@epa.gov>

Sent: Tuesday, March 10, 2020 10:28 AM

To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Welton, Patricia <Welton.Patricia@epa.gov>

Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi guys – we got this from the DRA – do you know if any other regions have gotten similar requests, and if they have, how they are handling them?

Thanks,
Cheryl

From: Gray, David <gray.david@epa.gov>

Sent: Tuesday, March 10, 2020 10:24 AM

To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>

Subject: State Requests - CONVID-19 Quarantine Facilities

States are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Do we have any guidance?

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/13/2020 4:27:53 PM (UTC)
Subject: FW: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Holmes, Carol
Sent: Friday, March 13, 2020 11:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Sara - **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

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From: Froikin, Sara <Froikin.Sara@epa.gov>
Sent: Friday, March 13, 2020 11:03 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Hi Carol,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Friday, March 13, 2020 10:56 AM

To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – again, I’m sorry I’ve missed some recent calls and thus still have questions concerns. I saw in Sara’s notes (thanks!)

Ex. 5 Deliberative Process (DP)

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Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>

Sent: Friday, March 13, 2020 10:02 AM

To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana's in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

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Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Berg, Elizabeth[Berg.Elizabeth@epa.gov]; Magnan, Eric[Magnan.Eric@epa.gov]
From: Miller, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=40BB39F199A74C5CB3956D35D6F468DF-AMILLE06]
Sent: Fri 3/6/2020 10:25:17 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Dear John:

Thank you for contacting me. I am available between 11-1 pm your time (8-10 am pst). It would be great to touch base then so that I can report back to the Water Division Director and DRA at our Senior Management Meeting at 10 am pst on Monday. Please send us an invite (Amy, Thanne Berg, Eric Magnan)

Regards,

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 6, 2020 1:30 PM
To: Miller, Amy <Miller.Amy@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy- following up on the emails below, we have some options for you on this issue. When is a good time for you to get together to chat on Monday? Thx!

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 06, 2020 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie
Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
Date: March 5, 2020 at 10:07:50 PM MST
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Date: March 5, 2020 at 6:32:04 PM PST

To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9
Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>

Date: March 5, 2020 at 5:45:32 PM PST

To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>

Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance.

Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov;
Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby [Ex. 6 Personal Privacy (PP)]; Karen Glatzel
[Ex. 6 Personal Privacy (PP)] <Faim@aspower.com>; William Spitzenberg
<williams@aspower.com>; Edna Buchan [Ex. 6 Personal Privacy (PP)]; Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !).
This means we cannot do the receiving water sampling in March as planned. We need to
coordinate with USEPA to determine the path forward at this point. There is no current
estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO
Sent: Wednesday, March 4, 2020 7:19 PM
To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>
Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey
S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby [Ex. 6 Personal Privacy (PP)]; Karen Glatzel
[Ex. 6 Personal Privacy (PP)] <Faim@aspower.com>; Fa'i Mareko (faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental
[Ex. 6 Personal Privacy (PP)]
Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks
of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude
travel at that time. This email message addresses three issues associated with the
sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and
developed new (draft) travel restrictions for American Samoa. These restrictions were
presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions
are expected to be promulgated by the end of this week. The requirements include that
anyone traveling from the US mainland from a state known to have COVID-19 cases will
have to spend 14 days in Hawaii and present a health certificate three days prior to travel
in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers

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[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Bahk, Benjamin[Bahk.Benjamin@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Theis, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A559A9BF75F14D13B38275CD3757C40E-JTHEIS02]
Sent: Fri 3/6/2020 9:17:28 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Yes, that captures it.

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 4:02 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

In an amazing quirk of timing, Joe and I actually wound up being in the same place at the same time today, and we could actually talk in person - amazing!

Ex. 5 AC/DP

Joe, does that summarize it?

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 3:44 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 3:20 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 3:07 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 2:41 PM

To: Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:36 PM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Ex. 5 AC/DP

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 6, 2020 2:33 PM

To: Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:30 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 2:15 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 2:14 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 1:59 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 1:55 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:00 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Looping in Joe since Mark is out.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 06, 2020 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie
Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
Date: March 5, 2020 at 10:07:50 PM MST
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Date: March 5, 2020 at 6:32:04 PM PST
To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9
Begin forwarded message:

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Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
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Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

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Ex. 6 Personal Privacy (PP) <William.Spitzenberg@aspower.com>; William Spitzenberg <williams@aspower.com>; Edna Buchan <Edna.Buchan@StarKist.com>
Ex. 6 Personal Privacy (PP) <Jewel.Tuiasosopo@epa.as.gov>; Jewel Tuiasosopo <Jewel.Tuiasosopo@epa.as.gov>
<Jewel.Tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind

Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

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<Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>
Cc: Christianera Tuitele
<christianera.tuitele@epa.as.gov>;
'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow
<JGoodfellow@Geosyntec.com>; Jeffrey S.
Roberts (Jeff.Roberts@StarKist.com)
<jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A.
Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness,
John' <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby
<Rob.Darby@StarKist.com>; Karen Glatzel
<Karen.Glatzel@StarKist.com>; Fa'i Mareko
<Fai.Mareko@StarKist.com>;
'William Spitzenberg' <williams@aspower.com>;
Nimbus Environmental <Nimbus.Environmental@aspower.com>
Subject: 2020 Non-tradewind Sampling in Pago
Pago Harboe and Costal sampling at Tafuna
Importance: High

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Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Theis, Joseph[Theis.Joseph@epa.gov]
Cc: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Bahk, Benjamin[Bahk.Benjamin@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/6/2020 6:58:41 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Thanks Joe – Ex. 5 AC/DP

Ex. 5 AC/DP

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 6, 2020 1:55 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John,

Ex. 5 AC/DP

- Joe

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Fogarty, Johnpc

Sent: Friday, March 06, 2020 12:00 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Looping in Joe since Mark is out.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 06, 2020 11:42 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>

Date: March 5, 2020 at 10:07:50 PM MST

To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>

Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Date: March 5, 2020 at 6:32:04 PM PST

To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9
Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance.

Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM

To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov;
Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby <Ex. 6 Personal Privacy (PP)> Karen Glatzel
<Ex. 6 Personal Privacy (PP)> Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan <Ex. 6 Personal Privacy (PP)> Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !).
This means we cannot do the receiving water sampling in March as planned. We need to
coordinate with USEPA to determine the path forward at this point. There is no current
estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO
Sent: Wednesday, March 4, 2020 7:19 PM
To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>
Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey
S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness, John <John.Dearness@StarKist.com>'<John.Dearness@StarKist.com>; Rob Darby <Ex. 6 Personal Privacy (PP)>; Karen Glatzel
<Ex. 6 Personal Privacy (PP)>; Fa'i Mareko (faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental
<Ex. 6 Personal Privacy (PP)>
Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks
of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude
travel at that time. This email message addresses three issues associated with the
sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and
developed new (draft) travel restrictions for American Samoa. These restrictions were
presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions
are expected to be promulgated by the end of this week. The requirements include that
anyone traveling from the US mainland from a state known to have COVID-19 cases will
have to spend 14 days in Hawaii and present a health certificate three days prior to travel
in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers
with a US passport currently have no restrictions). If this new restriction is promulgated as
indicated, gdc will not be able to travel to American Samoa as planned. The duration of the
new restrictions, if implemented, is not known, and we cannot plan an alternative
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not conducted, for the 2020 Non-tradewind season, in consultation with EPA. We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Fri 3/6/2020 4:42:17 PM (UTC)
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community
March 2020 American Samoa Travel Advisory.docx
ATT00001.htm

John, Carol-
Could you follow up with Amy Miller in possible NAA.

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Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
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Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>
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Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

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Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

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sampling at Tafuna

Importance: High

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Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com) <drockman@eckertseamans.com>; 'Dearness, John <John.Dearness@StarKist.com>' <John.Dearness@StarKist.com>;

Ex. 6 Personal Privacy (PP)

Karen Glatzel

Ex. 6 Personal Privacy (PP)

Fa'i Mareko (faim@aspower.com) <faim@aspower.com>; 'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental

Ex. 6 Personal Privacy (PP)

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Importance: High

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[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Wed 3/18/2020 3:00:27 PM (UTC)
Subject: Re: Messaging related to Covid19

god only knows

Sent from my iPhone

On Mar 18, 2020, at 10:54 AM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Huh, wonder what it will say....sigh.

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 18, 2020 10:18 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Messaging related to Covid19

Indeed – it's coming. There's cross-office OECA coordination that is underway. It will be with Susan soon and hopefully out to everyone very soon after.

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, March 18, 2020 10:03 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: FW: Messaging related to Covid19

Please see below – more reason for getting the draft to Susan for her review. In addition to Larry's email on Texas, there's also press (Inside EPA) on the need for some kind of statement/guidance on this issue.

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Wednesday, March 18, 2020 9:57 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: FW: Messaging related to Covid19

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: King, Carol <King.Carol@epa.gov>
Sent: Wednesday, March 18, 2020 9:42 AM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Wilson, Dane <Wilson.Dane@epa.gov>; Rausch, Heidi <Rausch.Heidi@epa.gov>
Subject: FW: Messaging related to Covid19

Not to annoy you guys with a bunch more emails, but as an FYI I just got the note below from OGWDW staff in Anita's division (DWPD) and David Travers' division (Water Security). I'm concerned that program folks while trying to help may start making statements regions and primacy agencies will rely on about exercising enforcement discretion, etc.

So any guidance from leadership in OECA will help.

Thanks,
Carol

From: King, Carol
Sent: Wednesday, March 18, 2020 9:38 AM
To: Moriarty, Edward <Moriarty.EdwardJ@epa.gov>; Tingley, Kevin <Tingley.Kevin@epa.gov>
Subject: RE: Messaging related to Covid19

Thanks Ed. Yes, I agree we absolutely must work together to ensure clear messaging, etc. My understanding is OW's and OECA's AAs met yesterday about these issues and that a message will be forthcoming from the higher ups ASAP. As we explained on yesterday's call, only the Administrator and OECA's AA can issue no action assurances in limited circumstances.

Can you please forward me the invite for Cindy's call? And likewise I'll make sure OGWDW folks are on any calls on our end about these issues. So much swirling.

From: Moriarty, Edward <Moriarty.EdwardJ@epa.gov>
Sent: Wednesday, March 18, 2020 9:32 AM
To: King, Carol <King.Carol@epa.gov>; Tingley, Kevin <Tingley.Kevin@epa.gov>
Subject: Messaging related to Covid19

Morning,

Based on requests from the regions, we have been asked to get a message out regarding the potential for missed monitoring associated with the virus. I realize we have been discussing this on various calls. We would like to work with you guys on any messaging.

Cindy Mack is hosting a Protection Branch meeting today so we can discuss what kind of messaging needs to go out. I

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I am brainstorming here so nothing is set except we would like to work with you guys.

Ed

Ed Moriarty
EPA OGWDW Protection Branch
1200 Constitution Ave., NW
Washington, DC 20460
202-564-3864

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Mon 3/2/2020 5:14:24 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance

Just catching back up after this am's meetings (GOD I AM SO TIRED OF THESE!!!). Fwiw, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Monday, March 02, 2020 11:49 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

Thanks Sara and Liliana. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Froikin, Sara <Froikin.Sara@epa.gov>
Sent: Monday, March 2, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana's in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review. Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]
Cc: Crossland, Andy[Crossland.Andy@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
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Sent: Thur 3/26/2020 3:55:18 PM (UTC)
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Thursday, March 26, 2020 11:53 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
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Sent: Thursday, March 26, 2020 11:47 AM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Thursday, March 26, 2020 11:41 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19

John and Carol— Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stephanos, Ann <Stephanos.Ann@epa.gov>

Sent: Tuesday, March 24, 2020 1:41 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>

Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ann

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Monday, March 23, 2020 5:23 PM

To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Ann - Ex. 5 AC/DP
Ex. 5 AC/DP

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Sent: Monday, March 23, 2020 4:54 PM

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Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery

ED_004611E_00001673-00002

OECA COVID-19 2020
FOIAs_Production006

US EPA
Washington, DC
Ex. 6 Personal Privacy (PP)
Twitter: @EPALand, #NoWastedFood

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Cc: Elliott, Ross <Elliott.Ross@epa.gov>
Subject: RE: Issues with Generator Signature during COVID-19

Thanks – looping in Scott and Bryan

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<Donnelly.Stephen@epa.gov>
Cc: Elliott, Ross <Elliott.Ross@epa.gov>
Subject: FW: Issues with Generator Signature during COVID-19

Mimi and all,

Please see mail from Stericycle and their proposed workaround for shippers refusing to sign manifests. Please coordinate with OGC/OECA.

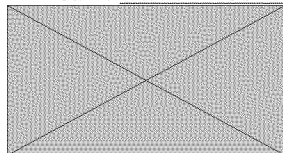
From: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>
Sent: Monday, March 23, 2020 1:42 PM
To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>
Subject: RE: Issues with Generator Signature during COVID-19

Selin, receipt confirmed. Will be discussing with DOT management as per next steps.

Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan
Director, Southern Region
Office of Hazardous Materials Safety, Field Operations
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
230 Peachtree Street NW, Suite 2100 (PHH-46)
Atlanta, Georgia 30303
☎: (404) 832-1135 📧: John.Heneghan@dot.gov
Webpage: phmsa.dot.gov/hazmat
Linkedin: www.linkedin.com/in/johnheneghan

Ex. 6 Personal Privacy (PP)



From: Hoboy, Selin [mailto:SHoboy@STERICYCLE.com]
Sent: Monday, March 23, 2020 1:31 PM
To: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>; Salyer, Kathleen <Salyer.Kathleen@Epa.gov>
Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>
Subject: Issues with Generator Signature during COVID-19
Importance: High

Dear John and Kathleen,

I am reaching out to address the issue we are having with shippers (generators) signing on shipping documents and manifests for hazardous materials in transport. Several of our shippers for both regulated medical waste but also in some few cases hazardous waste are refusing to sign on the shipping document/manifest due to concerns around social distancing and safety during the COVID-19 pandemic crisis.

I know that for hazardous waste there is some relief in the rule if there is authorization to sign on behalf of the generator, however in these circumstances we may or may not have that authorization available and it is increasingly difficult to get a response from hospital administration.

Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	Technician asks Generator's representative for spelling of full name. Technician prints Generator's full name in box 15 of UHW manifest. Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest. Technician prints date on box 15 of UHW manifest Technician prints and signs their name and prints date in box 17 of UHW
--	---

	manifest for Transporter 1 using standard UHW manifest signature protocols
UHM manifest copy distribution	Technician provides Generator with “Generator’s Initial Copy” of UHW manifest

14. Special Handling Instructions and Additional Information

15. GENERATOR/SUPPLIER'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.

Generator/Supplier's Printed/Typed Name: Sue Smith

Signature: Generator refused to sign COVID-19

Month: 03 Day: 20 Year: 2020

16. International Shipments ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit: Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Materials

Transporter 1 Printed/Typed Name: Doug Jones

Signature: Doug Jones

Month: 03 Day: 20 Year: 2020

Transporter 2 Printed/Typed Name: Technician prints, signs and dates manifest as Transporter 1

Signature: [Signature]

Month: Day: Year:

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	<p>Driver asks Generator's representative for spelling of full name.</p> <p>Driver prints Generator's full name in box 3 on RMW manifest.</p> <p>Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest.</p> <p>Driver prints date in box 3 on RMW manifest</p> <p>Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols</p>
Generator refuses to sign the Handheld for no-manifest customers	<p>Driver asks Generator representative for spelling of full name</p> <p>Driver enters generators full name into the Handheld (PDT)</p> <p>On the signature screen, driver enters "Generator Refused to sign COVID-19"</p>
RMW manifest copy distribution	<p>Driver provides Generator's representative with appropriate copy of RMW manifest</p> <p>Driver prints out generator copy of tickertape and offers it for their records.</p> <ul style="list-style-type: none"> If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

UN3291, Regulated Medical Waste, n.p.s.		RX36 - Medium	Driver prints Generator's full name	Driver notes that Generator refused to sign manifest	Driver prints date
3. Generator's Certification: "I hereby declare that the contents of this container are as described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."			Printed/Typed Name: Betsy Long	Signature: <i>[Signature]</i>	Date: 3/23/20
PRIMARY TRANSPORTER	4. TRANSPORTER 1 ADDRESS: Stericycle, Inc. 4403 Republic Ct Concord, NC 28027		<input type="checkbox"/> This is a Through Shipment		Phone #: 704-795-1125 Applicable Permit Numbers: SC14-02T
	TRANSPORTER CERTIFICATION: Receipt of medical waste as described above.		Print/Type Name: Greg Berry		Date: 3/23/20
TRANSPORTER 2 / INTERMEDIATE HANDLER	5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:		Signature: <i>[Signature]</i>		Phone #: 704-795-1125 Applicable Permit Numbers:
	INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:		Driver prints, signs, and dates manifest as Transporter 1		Date:
INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:	6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:		Signature:		Date:

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy
Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: **Ex. 6 Personal Privacy (PP)** | shoboy@stericycle.com | www.stericycle.com
12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

CONFIDENTIALITY NOTICE: The information in this Email is confidential and may be privileged. This Email is intended solely for the named recipient or recipients. If you are not the intended recipient, any use, disclosure, copying or distribution of this Email is prohibited. If you are not the intended recipient, please inform us by replying with the subject line marked "Wrong Address" and then deleting this Email and any attachments. Stericycle, Inc. uses regularly updated anti-virus software in an attempt to reduce the possibility of transmitting computer viruses. We do not guarantee, however, that any attachments to this Email are virus-free. Nota de confidencialidad: La información que presenta este correo es confidencial, y puede ser de uso privilegiado. Este correo intenta ser enviado solo al destinatario, o a los destinatarios. Si usted no es el destinatario, no podrá usar, desglosar, copiar, o distribuir la información de este correo ya que está prohibido. Si usted no es el correcto destinatario, por favor infórmenos reenviándonos el mismo con el asunto "Dirección Incorrecta", y luego borre el correo y los adjuntos. Stericycle, Inc. usa regularmente actualizaciones de software anti-virus para así reducir posibles virus. De todas maneras, no garantizamos que los adjuntos estén libres de virus.

To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]
Cc: Crossland, Andy[Crossland.Andy@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Thur 3/26/2020 3:43:55 PM (UTC)
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

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Sent: Thursday, March 26, 2020 11:41 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
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John and Carol Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

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Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC
Ex. 6 Personal Privacy (PP)
Twitter: @EPALand, #NoWastedFood

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Director, Southern Region

Office of Hazardous Materials Safety, Field Operations

Pipeline and Hazardous Materials Safety Administration

U.S. Department of Transportation

230 Peachtree Street NW, Suite 2100 (PHH-46)

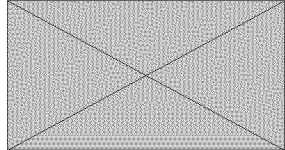
Atlanta, Georgia 30303

☎: (404) 832-1135 📧: John.Heneghan@dot.gov

🔒 Ex. 6 Personal Privacy (PP)

Webpage: phmsa.dot.gov/hazmat

LinkedIn: www.linkedin.com/in/johnheneghan



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Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	<p>Technician asks Generator's representative for spelling of full name.</p> <p>Technician prints Generator's full name in box 15 of UHW manifest.</p> <p>Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest.</p> <p>Technician prints date on box 15 of UHW manifest</p> <p>Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols</p>
UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	<p>Driver asks Generator's representative for spelling of full name.</p> <p>Driver prints Generator's full name in box 3 on RMW manifest.</p> <p>Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest.</p> <p>Driver prints date in box 3 on RMW manifest</p> <p>Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols</p>
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- If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

UN3291, Regulated Medical Waste, n.i.e.		RX36 - Medium		Driver prints date		
Driver prints Generator's full name		SG91/SI91 - Sha		Driver notes that Generator refused to sign manifest		
3. Generator's Certification: "I hereby declare that the contents of this container are as described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."						
X Printed/Typed Name		Betsy Long		Signature: Customer Refused to sign: COVID-19 Date: 3/23/20		
PRIMARY TRANSPORTER	4. TRANSPORTER 1 ADDRESS:		Phone #: 704-795-1125			
	Stericycle, Inc. 4403 Republic Ct Concord, NC 28027		Applicable Permit Numbers: SC14-02T			
TRANSPORTER CERTIFICATION: Receipt of medical waste as described above.		<input type="checkbox"/> This is a Through Shipment		Date: 3/23/20		
TRANSPORTER 2 / INTERMEDIATE HANDLER	Print/Type Name		Greg Berry		Signature: [Signature]	
	5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:		Date: 3/23/20		Phone #: [Blank]	
INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:		Driver prints, signs, and dates manifest as Transporter 1		Applicable Permit Numbers:		
Print/Type Name		Signature		Date		
6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:		Signature: [Blank]		Date		
Print/Type Name		Signature		Date		

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy

Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: [Ex. 6 Personal Privacy (PP)] shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

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Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Thur 3/19/2020 12:12:00 AM (UTC)
Subject: Re: Question/issue for OECA call today

Got it- and thx. And to answer your question, **Ex. 5 Deliberative Process (DP)**

Sent from my iPhone

On Mar 18, 2020, at 7:55 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

John –

Here is some background on the call tomorrow. Yesterday, Cyndy floated the idea **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 18, 2020 2:30 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Nearhood, Jennifer <Nearhood.Jennifer@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Question/issue for OECA call today

OK
And do we offer to draft template language so we can coordinate with OCE?

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Wednesday, March 18, 2020 2:29 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Nearhood, Jennifer <Nearhood.Jennifer@epa.gov>
Subject: FW: Question/issue for OECA call today

Larry & Susan:

Given the coronavirus issues that are arising in the regions related to SF sites, I suggest that we reorder the agenda to focus first on hearing questions from the regions related to PRP lead SF cleanups, including the following:

- Extensions and force majeure
- Initiation of new issuance of new actions (notice letters, information requests and orders). For the later, I

Ex. 5 Deliberative Process (DP)

- Pending enforcement actions

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Let me know if you have any concerns about this last minute change in the

agenda.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) (Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Peterson, Mary <Peterson.Mary@epa.gov>

Sent: Wednesday, March 18, 2020 2:10 PM

To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>

Cc: Hoefer, David <Hoefer.David@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>

Subject: Question/issue for OECA call today

Hi Cyndy and Rafael,

I wanted to give you a heads up on a question we have in R7 (and I assume other regions too). This will likely get raised on the call today. Here's the issue:

Regions need some guidance and consistent language we can provide to PRPs in a number of circumstances including 1) New notice letters going out and 2) requests from PRPs to pause on actions and/or reporting requirements in orders and CDs. In R7 we are holding a package of new notice letters to initiate negotiations on a NTCRA (so its not urgent) but we would like to proceed if that is supported by OECA. We would like to include some language in the notice letters that at least acknowledges our sensitivity to the current hardships being faced by municipalities and businesses, and indicating a willingness to work with them on timing of negotiations and performance of work. We can of course come up with our own language, but we would prefer OSRE develop the language that can be provided to all regions to ensure consistency.

Thanks for your help in these unusual times.

<image001.jpg>

To: Holmes, Carol[Holmes.Carol@epa.gov]; Milton, Philip[Milton.Philip@epa.gov]; Miles, James[miles.james@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Wed 3/18/2020 9:24:11 PM (UTC)
Subject: RE: TSCA Fees - Announcement and NAA (URGENT)

Yes, thank you!

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Wednesday, March 18, 2020 5:19 PM
To: Milton, Philip <Milton.Philip@epa.gov>; Miles, James <miles.james@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: TSCA Fees - Announcement and NAA (URGENT)

Thanks Phil – I just skimmed it, but think it is really close! I’ll take a closer look first thing tomorrow morning. Thank you for all the hard work!

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Milton, Philip <Milton.Philip@epa.gov>
Sent: Wednesday, March 18, 2020 5:13 PM
To: Miles, James <miles.james@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: FW: TSCA Fees - Announcement and NAA (URGENT)
Importance: High

Draft – Agency Deliberative – Please do not release

Dear WCED Management (and John and Carol *) –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

V/r

Phil

Philip L. Milton

Chemical Engineer | U.S. Environmental Protection Agency

Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch

1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460

Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Wednesday, March 18, 2020 4:24 PM

To: Hull, George <Hull.George@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>

Subject: RE: TSCA Fees - Announcement and NAA

Not for approval, no, but I do want to provide a copy of what's going up to others here. Are you planning to send just this or the draft press release as a whole (with this included)?

From: Hull, George <Hull.George@epa.gov>

Sent: Wednesday, March 18, 2020 4:21 PM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>

Subject: RE: TSCA Fees - Announcement and NAA

John,

I think this looks good. Do you need to run it by anyone else before its shown to Susan, Larry and John Irving? Thanks, George

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Wednesday, March 18, 2020 3:13 PM

To: Hull, George <Hull.George@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>

Subject: RE: TSCA Fees - Announcement and NAA

George, here's a draft para to cover the NAA. See what you think:

Ex. 5 Deliberative Process (DP)

From: Hull, George <Hull.George@epa.gov>

Sent: Wednesday, March 18, 2020 1:06 PM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>

Subject: RE: TSCA Fees - Announcement and NAA

Looks ok to me,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

George

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Wednesday, March 18, 2020 12:15 PM

ED_004611E_00001770-00002

OECA COVID-19 2020
FOIAs_Production006

To: Hull, George <Hull.George@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>
Subject: FW: TSCA Fees - Announcement and NAA

George- did you see this/are you in the loop?

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Wednesday, March 18, 2020 12:09 PM
To: Fisher, Bethany <fisher.bethany@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>
Subject: RE: TSCA Fees - Announcement and NAA

Hello again folks,
Attached is the latest draft press release. OCSPP had some edits, and there is now a placeholder for some language on the NAA itself. Welcome your thoughts/feedback. Re: timing, I'm hearing from OCSPP/IO a desire – if possible - to put this out as early as Monday 3/30 so it would be good to get input today/tomorrow.
Thanks,
Ryan
(202)564-0610

From: Schmit, Ryan
Sent: Wednesday, March 18, 2020 10:19 AM
To: Fisher, Bethany <fisher.bethany@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>
Subject: RE: TSCA Fees - Announcement and NAA

Much appreciated Carol and Bethany. I'll take the lead on incorporating these edits. Anything further on the "request memo" expected from OECA or OGC? The OCSPP/IO is eager to sign this request and get it (formally) over to OECA as soon as possible.

Re: the press release, that sounds like a good approach to me. I just got off the phone with Cheryl in OCSPP comms shop, and it sounds like they're doing some editing, and will have a new draft ready soon. I'm copying Cheryl and our OPPT comms director Julia so everyone is on the same page. Cheryl/Julia – see OECA's note in yellow below.

Thanks,
Ryan
(202)564-0610

From: Fisher, Bethany <fisher.bethany@epa.gov>
Sent: Wednesday, March 18, 2020 10:12 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Subject: RE: TSCA Fees - (3) Draft Briefing Package for AAW

PTSLO just has one minor grammatical edit near the bottom of p. 2 ("Imposing reporting requirements on all importers of articles containing any one of the twenty listed chemicals could potentially require the testing of thousands of imported articles...")

Otherwise, no further edits and no concerns with OECA's recent edits. As an FYI, we've been asked to update the General Counsel on the status of this issue since he wasn't able to attend the Administrator meeting (our Deputy GC was there instead), and don't know whether he will be interested in reviewing/commenting on the NAA request and press release. We'll let you know as soon as we know more. In the meantime, we'll review any new version of the press release and keep an eye out for final/clean versions to share with the GC, if needed.

Bethany Fisher
ED_004611E_00001770-00003

OECA COVID-19 2020
FOIAs_Production006

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Wednesday, March 18, 2020 10:04 AM

To: Schmit, Ryan <schmit.ryan@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>;

Koch, Erin <Koch.Erin@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>

Subject: RE: TSCA Fees - (3) Draft Briefing Package for AAW

Thanks Ryan – minor nomenclature/verb tense edits in the attached.

Also, this is a slight change in timing plans.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

What timing

where y'all thinking?

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Schmit, Ryan <schmit.ryan@epa.gov>

Sent: Wednesday, March 18, 2020 9:10 AM

To: Holmes, Carol <Holmes.Carol@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>;

Koch, Erin <Koch.Erin@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>

Subject: RE: TSCA Fees - (3) Draft Briefing Package for AAW

Understood. Attaching the latest for convenience. Let us know if any additional edits, and we'll turn around quickly.

Thanks,

Ryan

(202)564-0610

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Wednesday, March 18, 2020 9:06 AM

To: Milton, Philip <Milton.Philip@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>;

Koch, Erin <Koch.Erin@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>

Subject: RE: TSCA Fees - (3) Draft Briefing Package for AAW

PS – I don't expect we'll have substantive comments, but it is wise to review one last time before signature.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Milton, Philip <Milton.Philip@epa.gov>
Sent: Wednesday, March 18, 2020 9:05 AM
To: Schmit, Ryan <schmit.ryan@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Subject: RE: TSCA Fees - (3) Draft Briefing Package for AAW

Good Morning

We received a message from Susan Bodine that OCSPP is trying to get the request for NAA over to OECA today. We did not re-review the draft request from Friday but rather focused on the briefing paper and announcement.

If possible, we would like the opportunity to review the current draft NAA request before it is submitted to OECA.

Please let me know if this is possible. Thank you for your consideration.

V/r

Phil

Philip L. Milton
Chemical Engineer I U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch
1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460
Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

From: Schmit, Ryan <schmit.ryan@epa.gov>
Sent: Friday, March 13, 2020 3:11 PM
To: Hartman, Mark <Hartman.Mark@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Subject: TSCA Fees - (3) Draft Briefing Package for AAW

Hi folks,
Per discussion today, and for your awareness, attached are three draft documents:

Ex. 5 Deliberative Process (DP)

Thanks,

Ryan

Ryan N. Schmit
Office of Pollution Prevention and Toxics
Phone: 202-564-0610
Email: schmit.ryan@epa.gov

To: Holmes, Carol[Holmes.Carol@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Tue 3/10/2020 5:27:27 PM (UTC)
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 10, 2020 1:22 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Ex. 5 Deliberative Process (DP)

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Senior Counsel
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Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, March 10, 2020 1:14 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 10, 2020 1:07 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Folding in Amy.

As I emailed John, **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Tuesday, March 10, 2020 1:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

This is pretty much tame answer as what we discussed w/R9.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 10, 2020 12:59 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

FYI – for now

From: Irving, John <Irving.John@epa.gov>
Sent: Tuesday, March 10, 2020 12:54 PM
To: OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi, all.

Please see below. Susan would like to discuss this at today's ODs Meeting.

On a related note, R5 received a consent decree force majeure notification in anticipation of possible disruptions and inability to meet deadlines due to the virus.

-- John

John S. Irving
Deputy Assistant Administrator
U.S. Environmental Protection Agency
Office of Enforcement & Compliance Assurance
Office: (202) 564-2496 / Mobile:

Ex. 6 Personal Privacy (PP)

From: Gray, David <gray.david@epa.gov>

Sent: Tuesday, March 10, 2020 11:29 AM

To: Irving, John <Irving.John@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Payne, James <payne.james@epa.gov>

Subject: FW: State Requests - CONVID-19 Quarantine Facilities

John, Cari and Jim,

I know Larry S is out of town. As part of preparedness efforts, our states are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Has this concept come to your attention and if so, can you share any thoughts with me?

David

To: Bahk, Benjamin[Bahk.Benjamin@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Mon 3/9/2020 12:55:55 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Thx! But no need, Ben – Joe covered this on Friday.

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Monday, March 09, 2020 8:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

I’ve asked Kathy to look into it but not sure if we’ll get any answers today. We’ll update on Monday.

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

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<http://www.epa.gov/compliance/complaints/index.html>

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 1:50 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Loren and/or Ben – can you or someone else in WED help with the questions below Ex. 5 AC/DP Thx.
Ex. 5 AC/DP

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
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Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

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Looping in Joe since Mark is out.

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Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>

Date: March 5, 2020 at 10:07:50 PM MST

To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>

Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Date: March 5, 2020 at 6:32:04 PM PST

To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

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The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov;
Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby <Rob.Darby@StarKist.com>; Ex. 6 Personal Privacy (PP); Karen Glatzel

Ex. 6 Personal Privacy (PP) Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan **Ex. 6 Personal Privacy (PP)** Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>

Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna

Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !). This means we cannot do the receiving water sampling in March as planned. We need to coordinate with USEPA to determine the path forward at this point. There is no current estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO

Sent: Wednesday, March 4, 2020 7:19 PM

To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov' <vauoli.elena@epa.gov>

Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com) <drockman@eckertseamans.com>; 'Dearness, John <John.Dearness@StarKist.com>' <John.Dearness@StarKist.com>; Rob Darby **Ex. 6 Personal Privacy (PP)**; Karen Glatzel

Ex. 6 Personal Privacy (PP) Fa'i Mareko (faim@aspower.com) <faim@aspower.com>; 'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental

Ex. 6 Personal Privacy (PP)

Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna

Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude travel at that time. This email message addresses three issues associated with the sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available. **Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation with EPA.** We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Theis, Joseph[Theis.Joseph@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 3/6/2020 9:21:21 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Right-thx.

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 4:20 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

One minor clarification that wasn't worth sending around to the broader group would be that if Ex. 5 AC/DP

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

This email may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this email has been received by you in error, you are instructed to delete it from your machine and all storage media whether electronic or hard copy.

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 4:02 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

In an amazing quirk of timing, Joe and I actually wound up being in the same place at the same time today, and we could actually talk in person - amazing!

Here's the summary Ex. 5 AC/DP

Ex. 5 AC/DP

Joe, does that summarize it?

From: Theis, Joseph <Theis.Joseph@epa.gov>

Sent: Friday, March 06, 2020 3:44 PM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 3:20 PM

To: Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 3:07 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance

U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 2:41 PM

To: Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:36 PM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Ex. 5 AC/DP

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 6, 2020 2:33 PM

To: Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:30 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 2:15 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 2:14 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
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Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

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Ex. 5 AC/DP

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Ex. 5 AC/DP

- Joe

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Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
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U.S. EPA Region 9
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Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

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Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>;
faamao.asalele@epa.as.gov; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts <Jeff.Roberts@StarKist.com>
<Jeff.Roberts@StarKist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman <DRockman@eckertseamans.com>
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP) Karen Glatzel

faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan

Ex. 6 Personal Privacy (PP) Jewel Tuiaosopo
(jewel.tuiaosopo@epa.as.gov)
<jewel.tuiaosopo@epa.as.gov>

Subject: UPDATE: RE: 2020 Non-tradewind
Sampling in Pago Pago Harboe and Costal
sampling at Tafuna

Importance: High

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we cannot do the receiving water sampling in
March as planned. We need to coordinate with
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To: Pascal Mues (Mues.Pascal@epa.gov)
<Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>

Cc: Christianera Tuitele
<christianera.tuitele@epa.as.gov>;
'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow
<JGoodfellow@Geosyntec.com>; Jeffrey S.
Roberts (Jeff.Roberts@StarKist.com)
<jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A.
Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness,
John' <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP) Karen Glatzel

Fa'i Mareko
(faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>;
Nimbus Environmental

Ex. 6 Personal Privacy (PP)

Subject: 2020 Non-tradewind Sampling in Pago
Pago Harboe and Costal sampling at Tafuna

Importance: High

Please distribute this messages to others as
appropriate.

We are in the process of preparing for the 2020
Non-tradewind sampling in March (weeks of 16
and 23) if AS travel restrictions and the current
coronavirus issues don't preclude travel at that
time. This email message addresses three issues
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[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available.

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[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 3/6/2020 7:35:24 PM (UTC)
Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Running an errand

Sent from my iPhone

On Mar 6, 2020, at 2:33 PM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Talking to Joe now. Where are you?

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 6, 2020 2:33 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:30 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance

U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

This email may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this email has been received by you in error, you are instructed to delete it from your machine and all storage media whether electronic or hard copy.

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 2:15 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 2:14 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
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U.S. EPA (2243A)
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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 1:59 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>

Sent: Friday, March 06, 2020 1:55 PM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John,

Ex. 5 AC/DP

- Joe

Joseph G. Theis
Associate Director
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Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 12:52 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

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Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

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To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>

Date: March 5, 2020 at 10:07:50 PM MST

To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>

Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Date: March 5, 2020 at 6:32:04 PM PST

To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9
Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on
Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

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The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts <Jeff.Roberts@StarKist.com> <Jeff.Roberts@StarKist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman <DRockman@eckertseamans.com> <DRockman@eckertseamans.com>; Dearnness, John <John.Dearnness@StarKist.com> <John.Dearnness@StarKist.com>; Rob Darby <Rob.Darby@StarKist.com>
Ex. 6 Personal Privacy (PP) Karen Glatzel <Faim@aspower.com>; William Spitzenberg <williams@aspower.com>; Edna Buchan <Edna.Buchan@aspower.com>
Ex. 6 Personal Privacy (PP) Jewel Tuiasosopo <jewel.tuiasosopo@epa.as.gov> <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !). This means we cannot do the receiving water sampling in March as planned. We need to coordinate with USEPA to determine the path forward at this point. There is no current estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO
Sent: Wednesday, March 4, 2020 7:19 PM
To: Pascal Mues <Mues.Pascal@epa.gov> <Mues.Pascal@epa.gov>; 'vaouli.elena@epa.gov' <vaouli.elena@epa.gov>
Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts <Jeff.Roberts@StarKist.com> <jeff.roberts@starkist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman <DRockman@eckertseamans.com> <drockman@eckertseamans.com>; 'Dearnness, John' <John.Dearnness@StarKist.com> <John.Dearnness@StarKist.com>; Rob Darby <Rob.Darby@StarKist.com>
Ex. 6 Personal Privacy (PP) Karen Glatzel <Faim@aspower.com>; Fa'i Mareko <Faim@aspower.com>; 'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental <Nimbus@epa.gov>
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and Coastal sampling at Tafuna

Importance: High

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gdc

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To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Bahk, Benjamin[Bahk.Benjamin@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 3/6/2020 6:50:19 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community March 2020 American Samoa Travel Advisory.docx

Loren and/or Ben – can you or someone else in WED help with the questions below

Ex. 5 AC/DP

Thx.

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
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Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

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Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
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Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
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-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

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Sent: Thursday, March 5, 2020 11:25 AM
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Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
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<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby [Ex. 6 Personal Privacy (PP)]; Karen Glatzel
[Ex. 6 Personal Privacy (PP)] Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan [Ex. 6 Personal Privacy (PP)] Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
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Importance: High

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Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey
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<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
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<John.Dearness@StarKist.com>; Rob Darby [Ex. 6 Personal Privacy (PP)]; Karen Glatzel
[Ex. 6 Personal Privacy (PP)]; Fa'i Mareko (faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental
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Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
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Sent: Fri 3/6/2020 6:27:56 PM (UTC)
Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ok- give me a few mins to get to my desk and I'll call.

Sent from my iPhone

On Mar 6, 2020, at 1:25 PM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Sorry I missed your call. Was getting lunch. Back now...

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 6, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:00 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Ex. 5 AC/DP

Looping in Joe since Mark is out.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 06, 2020 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie
Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
Date: March 5, 2020 at 10:07:50 PM MST
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Date: March 5, 2020 at 6:32:04 PM PST
To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9
Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>

Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>

Sent: Thursday, March 5, 2020 11:25 AM

To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>

Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov; Janet Goodfellow

<JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts

(<Jeff.Roberts@StarKist.com> <Jeff.Roberts@StarKist.com>; Scott R. Dismukes

<SDismukes@eckertseamans.com>; David A. Rockman

(<DRockman@eckertseamans.com> <DRockman@eckertseamans.com>;

Dearness, John <John.Dearness@StarKist.com>

<John.Dearness@StarKist.com>; Rob Darby Ex. 6 Personal Privacy (PP)

Karen Glatzel Ex. 6 Personal Privacy (PP) Faim@aspower.com; William

Spitzenberg <williams@aspower.com>; Edna Buchan

Ex. 6 Personal Privacy (PP) ; Jewel Tuiasosopo (jewel.tuiasosopo@epa.as.gov)
<jewel.tuiasosopo@epa.as.gov>

Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe
and Costal sampling at Tafuna

Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !). This means we cannot do the receiving water sampling in March as planned. We need to coordinate with USEPA to determine the path forward at this point. There is no current estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO

Sent: Wednesday, March 4, 2020 7:19 PM

To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>;
'vauoli.elena@epa.gov' <vauoli.elena@epa.gov>

Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>;
'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet
Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman
(DRockman@eckertseamans.com) <drockman@eckertseamans.com>;
'Dearness, John <John.Dearness@StarKist.com>'

<John.Dearness@StarKist.com>; Rob Darby **Ex. 6 Personal Privacy (PP)**

Karen Glatzel <**Ex. 6 Personal Privacy (PP)**> Fa'i Mareko

(faim@aspower.com) <faim@aspower.com>; 'William Spitzenberg'
<williams@aspower.com>; Nimbus Environmental **Ex. 6 Personal Privacy (PP)**

Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna

Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude travel at that time. This email message addresses three issues associated with the sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available. **Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation**

with EPA. We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Ross, David P[ross.davidp@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Goodin, John[Goodin.John@epa.gov]
Cc: Wildeman, Anna[wildeman.anna@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Kramer, Jessica L.[kramer.jessical@epa.gov]; McDonough, Owen[mcdonough.owen@epa.gov]; Aguirre, Janita[Aguirre.Janita@epa.gov]; Mejias, Melissa[mejias.melissa@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: McLain, Jennifer L. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2BC5B268184348BBB383A56B0042B603-JENNIFER MCLAIN]
Sent: Fri 3/20/2020 5:29:54 PM (UTC)
Subject: RE: Deadlines/Deliberative
[Compliance and deadline flexibility considerations CV19 all OW 3-20-2020.docx](#)

All - The attached contains input from all OW offices. Please let us know if you have any questions or want to discuss.

Jennifer, Andrew, Deborah & John

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Thursday, March 19, 2020 9:32 AM
To: McLain, Jennifer L. <McLain.Jennifer@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Deadlines/Deliberative

Deliberative/Confidential

Folks,

Ex. 5 Deliberative Process (DP)

Thanks.

Dave

Sent from my iPad

To: Ross, David P[ross.davidp@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Wildeman, Anna[wildeman.anna@epa.gov]; McDonough, Owen[mcdonough.owen@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Thur 3/26/2020 6:36:22 PM (UTC)
Subject: FW: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

FYI

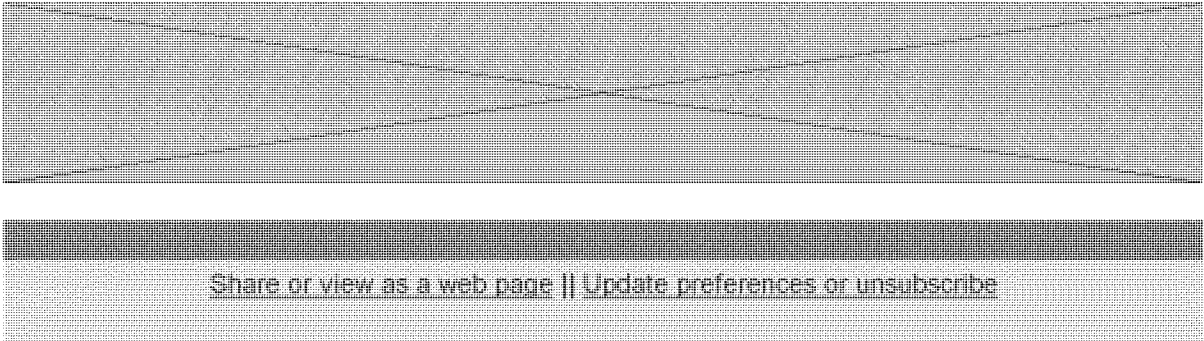
From: Hindin, David <Hindin.David@epa.gov>
Sent: Thursday, March 26, 2020 10:13 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>
Subject: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

FYI.

I thought about trying to compile what states are issuing, but not sure how valuable it would be. This gets into details of how to report DMRs.

TEXT BELOW IS FROM REGION 2 person as part of our NCI SNC work.

NYSDEC put out this helpful guidance. New Jersey DEP is currently writing guidance for the Water and Wastewater Sector. They are putting out a compliance advisory that will address drinking water and wastewater as well as Licensed Operator issues and are considering enforcement discretion in the context of Covid19. NJ welcomes any thoughts we might have.



COVID-19 - Information for WWTP Operators

COVID-19: Wastewater Treatment Plant Compliance

DEC is receiving inquiries related to relief from SPDES permit and regulatory compliance. DEC is not authorizing any general waivers of compliance requirements, and will make best efforts to promptly respond to more specific inquiries and individual circumstances.

Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.

When issues with compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should

report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

COVID-19: Wastewater Treatment Plant Operations and Staffing

Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.

The qualifications for wastewater treatment plant operators are presented in 6 NYCRR Part 650. The New York State Department of Environmental Conservation's (DEC) guidance on wastewater plant staffing provides appropriate flexibility concerning the need for certified operators to be present in TOGS 1.5.4 "Guidelines for Staffing Wastewater Treatment Plants" and in TOGS 5.1.6 "Wastewater Treatment Plant Operator Certification."

Treatment plant operators are considered essential staff to meet regulatory requirements, protect public health, and provide required monitoring for public transparency. Treatment plant operators should have staffing plans, emergency response plans, and operations and maintenance plans, to guide operation and response in stressed or emergency circumstances.

COVID-19: Wastewater Treatment Links for Information on Precautions for Exposure

The New York State Department of Environmental Conservation has received inquiries regarding COVID-19 in wastewater and appropriate precautions for wastewater workers. In short, standard good operational and protective protocols normally employed are recommended to be continued by the leading scientific authorities. You may find useful information and guidance in the following links. Wastewater treatment is considered an essential public health responsibility. As such, workers in wastewater utilities are exempt from workforce reduction requirements. Please feel free to share this information with your municipal supervisors.

CDC - Water Transmission and COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

Coronavirus and Drinking Water and Wastewater

<https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>

The Water Professional's Guide to COVID-19

<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>

WHO - Water, sanitation, hygiene and waste management for COVID-19

<https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

OSHA – Solid Waste and Wastewater Management Workers

<https://www.osha.gov/SLTC/covid-19/>

Guidance for Reducing Health Risks to Workers Handling Human Waste or

Sewage

https://www.cdc.gov/healthywater/global/sanitation/workers_handlingwaste.html

If you have questions related to the WWTP plant operations and staffing, information links, or compliance, you may email the Division of Water, Bureau of Water Compliance at edward.hampston@dec.ny.gov.

If you have specific facility information and questions on compliance for your facility, please contact the Regional Water Engineer in your DEC Region.

Central Office edward.hampston@dec.ny.gov

Region 1 anthony.leung@dec.ny.gov or cathy.haas@dec.ny.gov

Region 2 selvin.southwell@dec.ny.gov

Region 3 manju.cherian@dec.ny.gov

Region 4 derek.thorsland@dec.ny.gov

Region 5 robert.streeter@dec.ny.gov

Region 6 david.rarick@dec.ny.gov

Region 7 thomas.vigneault@dec.ny.gov

Region 8 tara.blum@dec.ny.gov

Region 9 jeffrey.konsella@dec.ny.gov

The New York State Department of Environmental Conservation respects your right to privacy and welcomes your feedback | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC   

Basil Seggos, Commissioner

This email was sent to mckenna.douglas@epa.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>

Sent: Wednesday, March 18, 2020 9:01 AM

To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

For what it's worth, here is direction CDPHE is giving its permittees in a larger FAQ:

- How should dischargers complete their Discharge Monitoring Reports (DMRs) if staff are unable to sample or if they cannot get results back from the laboratory?

A permittee that temporarily can not collect or analyze samples as required by their permit should still submit the required

DMRs, but complete the following steps at the time of DMR submittal:

If your facility submits paper DMRs, please complete the DMR to the best of your ability and write "Pandemic Incident" on the DMR.

If your facility participates in electronic reporting via NetDMR, enter a no data indicator (NODI) code into the required field(s). Options are:

- NODI code "E" (analysis not conducted/ no sample)- this will be the appropriate NODI code in most scenarios. It will trigger NetDMR to flag a "violation." You will need to validate the violation to submit the DMR. Include a cover letter or comment on DMR with an explanation. If appropriate, the division will administratively resolve the violation and it won't be considered as part of your facility's compliance record.
- NODI code "2" (operation shutdown) - this should only be used in extreme situations.

If monitoring is able to be conducted during part, but not all, of the monitoring period, report any collected data on the DMR (or enter in NetDMR) and specifically note the actual frequency that the discharge was monitored. Include a cover letter or comment on the DMR with an explanation.

In some instances, permittees may be constricted to utilizing non-EPA approved methods for sampling and analysis. In this case, report any relevant data on the DMR and include a cover letter or comment that identifies the specific methodology associated with the monitoring.

In all cases, please submit a cover letter with the DMR that includes a brief explanation of how conditions beyond the reasonable control of the permittee resulted in the monitoring and reporting requirements not being met. To the extent feasible, provide any information to support that the facility was being properly maintained at the time and was expected to be meeting effluent limits (e.g., contemporaneous operating logs, or other relevant evidence, that the facility. Also, identify the permittee's plan to complete the monitoring and reporting requirement as soon as possible.

Any monitoring requirements that can not be met by the deadlines in a permit should still be completed at and reported to the division when conditions allow.

To: Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Ross, David P[ross.davidp@epa.gov]
Cc: Tovar, Katlyn[tovar.katlyn@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; McLain, Jennifer L.[McLain.Jennifer@epa.gov]; Kramer, Jessica L.[kramer.jessical@epa.gov]; Wildeman, Anna[wildeman.anna@epa.gov]; Aguirre, Janita[Aguirre.Janita@epa.gov]
From: McDonough, Owen[McDonough.Owen@epa.gov]/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10A92C71B552413694FED6FA08522F4F-MCDONOUGH,]
Sent: Mon 3/23/2020 6:08:46 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
[COVID19 message 03 22 20 ogwdw.cb OM.docx](#)

DELIBERATIVE / DRAFT

Dave / Charlotte,

For your review are OW's edits of the draft memo incorporated into a single draft.

Owen

From: McLain, Jennifer L. <McLain.Jennifer@epa.gov>
Sent: Monday, March 23, 2020 11:38 AM
To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>
Cc: Tovar, Katlyn <tovar.katlyn@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Charlotte and Jessica – Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Ross, David P <ross.davidp@epa.gov>
Sent: Sunday, March 22, 2020 10:44 PM
To: McLain, Jennifer L. <McLain.Jennifer@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>
Subject: Fwd: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Close hold. Do not forward. Deliberative. Confidential

Jennifer and Andrew,

Can you take a look at this first thing in the morning. Janita will add you two to a call I've scheduled to discuss this with our internal team.

Jennifer, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Dave

Sent from my iPad
Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
Date: March 22, 2020 at 11:30:46 AM EDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>, "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Sopkin, Gregory" <sopkin.gregory@epa.gov>, "Dunlap,

David" <dunlap.david@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>

Cc: "Irving, John" <Irving.John@epa.gov>, "Doyle, Brett" <doyle.brett@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Garvey, Megan" <garvey.megan@epa.gov>, "Sethuraman, Jag" <Sethuraman.Jag@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>

Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

AAs et al,

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

To: Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Kramer, Jessica L.[kramer.jessical@epa.gov]
Cc: Tovar, Katlyn[tovar.katlyn@epa.gov]; McDonough, Owen[mcdonough.owen@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]
From: McLain, Jennifer L.[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2BC5B268184348BBB383A56B0042B603-JENNIFER MCLAIN]
Sent: Mon 3/23/2020 3:38:04 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID19 message 03 22 20 ogwdw.docx

Charlotte and Jessica – **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Ross, David P <ross.davidp@epa.gov>
Sent: Sunday, March 22, 2020 10:44 PM
To: McLain, Jennifer L. <McLain.Jennifer@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>
Subject: Fwd: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Close hold. Do not forward. Deliberative. Confidential

Jennifer and Andrew,

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Jennifer **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Thanks.

Dave

Sent from my iPad
Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
Date: March 22, 2020 at 11:30:46 AM EDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>, "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Sopkin, Gregory" <sopkin.gregory@epa.gov>, "Dunlap, David" <dunlap.david@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Irving, John" <Irving.John@epa.gov>, "Doyle, Brett" <doyle.brett@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Garvey, Megan" <garvey.megan@epa.gov>, "Sethuraman, Jag" <Sethuraman.Jag@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>
Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

AAs et al,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

2/2/20

To: Wildeman, Anna[wildeman.anna@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Kramer, Jessica L.[kramer.jessical@epa.gov]; McDonough, Owen[mcdonough.owen@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]
Cc: Aguirre, Janita[Aguirre.Janita@epa.gov]
From: Ross, David P[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=119CD8B52DD14305A84863124AD6D8A6-ROSS, DAVID]
Sent: Sun 3/22/2020 5:09:36 PM (UTC)
Subject: Fwd: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID19 message 03 22 20 .docx
[ATT00001.htm](#)
[Guidance on the Essential Critical Infrastructure Workforce CISA.pdf](#)
[ATT00002.htm](#)
[EPA Letter 3.20.20.pdf](#)
[ATT00003.htm](#)

Close hold. Do not forward.
Please review and let’s gather our thoughts tomorrow. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Bodine, Susan" <bodine.susan@epa.gov>
Date: March 22, 2020 at 11:30:46 AM EDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>, "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Idsal, Anne" <idsal.anne@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Wright, Peter" <wright.peter@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Sopkin, Gregory" <sopkin.gregory@epa.gov>, "Dunlap, David" <dunlap.david@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>
Cc: "Irving, John" <Irving.John@epa.gov>, "Doyle, Brett" <doyle.brett@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Garvey, Megan" <garvey.megan@epa.gov>, "Sethuraman, Jag" <Sethuraman.Jag@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>
Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

AAs et al,



Thanks for your input.

Susan

To: Ross, David P[ross.davidp@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Nagle, Deborah[Nagle.Deborah@epa.gov]; Goodin, John[Goodin.John@epa.gov]
Cc: Wildeman, Anna[wildeman.anna@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Bertrand, Charlotte[Bertrand.Charlotte@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Kramer, Jessica L.[kramer.jessical@epa.gov]; McDonough, Owen[mcdonough.owen@epa.gov]; Aguirre, Janita[Aguirre.Janita@epa.gov]; Mejias, Melissa[mejias.melissa@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: McLain, Jennifer L./[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2BC5B268184348BBB383A56B0042B603-JENNIFER MCLAIN]
Sent: Fri 3/20/2020 6:57:16 PM (UTC)
Subject: RE: Deadlines/Deliberative
Compliance and deadline flexibility considerations CV19 all OW 3-20-2020.docx

In track changes so you can see the additions.

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Friday, March 20, 2020 1:55 PM
To: McLain, Jennifer L. <McLain.Jennifer@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Deadlines/Deliberative

Confidential/Deliberative

Ex. 5 Deliberative Process (DP)

Please update and flip back to me this afternoon if you can. Thanks.

Regards,

Dave

-----Original Message-----

From: McLain, Jennifer L. <McLain.Jennifer@epa.gov>

Sent: Friday, March 20, 2020 1:30 PM

To: Ross, David P <ross.davidp@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Goodin, John <Goodin.John@epa.gov>

Cc: Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Subject: RE: Deadlines/Deliberative

All - The attached contains input from all OW offices. Please let us know if you have any questions or want to discuss.

Jennifer, Andrew, Deborah & John

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>

Sent: Thursday, March 19, 2020 9:32 AM

To: McLain, Jennifer L. <McLain.Jennifer@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Nagle, Deborah <Nagle.Deborah@epa.gov>; Goodin, John <Goodin.John@epa.gov>

Cc: Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; McDonough, Owen <mcdonough.owen@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Subject: Deadlines/Deliberative

Deliberative/Confidential

Folks,

Ex. 5 Deliberative Process (DP)

Thanks.

Dave
Sent from my iPad

Appointment

From: Varnado, Miriam [Varnado.Miriam@epa.gov]
Sent: 3/17/2020 10:30:51 PM
To: Varnado, Miriam [Varnado.Miriam@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; McLain, Jennifer L. [McLain.Jennifer@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Thompkins, Anita [Thompkins.Anita@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Risley, David [Risley.David@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]; Water Program Contact List - Deputy Directors [Water_Program_Contact_List__Deputy_Directors@epa.gov]; Water Program Contact List - Directors [Water_Program_Contact_List__Directors@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Goodin, John [Goodin.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; OECA Office Directors [OECA_Office_Directors@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; Seidel, Jimmy [Seidel.Jimmy@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Smith, Bernice [Smith.Bernice@epa.gov]; Bredehoft, Deborah [bredehoft.deborah@epa.gov]; Gray, David [gray.david@epa.gov]; Layne, Kenda [Layne.Kenda@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]
CC: Tiago, Joseph [Tiago.Joseph@epa.gov]; Weyer, Erica [weyer.eric@epa.gov]; Sylvester, Francis [Sylvester.Francis@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Dean, Abigail [Dean.Abigail@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Poulson, Susan [Poulson.Susan@epa.gov]; Burgess, Karen [Burgess.Karen@epa.gov]; Martinson, Mathew [martinson.mathew@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Smith, Brian [Smith.Brian@epa.gov]; Apanian, David M. [Apanian.David@epa.gov]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Murphy, Thelma (Hamilton) [murphy.thelma@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]; Arcaya, Alyssa [arcaya.alysa@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Montralio, Stephanie L [Montralio.Stephanie@epa.gov]; Wong, Virginia [Wong.Virginia@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]; Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]; Gueriguan, Leo [Gueriguan.Leo@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Thomas, Chris [Thomas.Chris@epa.gov]; Libertz, Catherine [Libertz.Catherine@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Harris, Michael [harris.michael@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Dressel, Paul [DRESSSEL.PAUL@EPA.GOV]; Melvin, Karen [Melvin.Karen@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Hesterlee, Craig [Hesterlee.Craig@epa.gov]; Shimkin, Martha [Shimkin.Martha@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Downing, Jane [Downing.Jane@epa.gov]; Cote, Mel [Cote.Mel@epa.gov]; Weitzler, Ellen [Weitzler.Ellen@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Watanabe, Allison [Watanabe.Allison@epa.gov]; Chen, Christopher [CHEN.CHRISTOPHER@EPA.GOV]; Carroll, Christina [carroll.christina@epa.gov]; Pringle, Everett [Pringle.Everett@epa.gov]; Garcia, Vanessa [Garcia.Vanessa@epa.gov]; Hecht, Hillary [Hecht.Hillary@epa.gov]; Shareem, Jelani [Shareem.Jelani@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]; Travers, David [Travers.David@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Garcia, Bert [Garcia.Bert@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Abele, Ralph [abele.ralph@epa.gov]; LeClair, Jacqueline [Leclair.Jackie@epa.gov]; Lyons, Regina [Lyons.Regina@epa.gov]; Feuerbach, MaryJo [feuerbach.maryjo@epa.gov]; Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]; Pratt, Stacie [Pratt.Stacie@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Russo, Rebecca [Russo.Rebecca@epa.gov]; Geliga, Jaime [Geliga.Jaime@epa.gov]; Laguer, Yasmin [Laguer.Yasmin@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Rathbone, Colleen [Rathbone.Colleen@epa.gov]; Cantor, Tiffany [Cantor.Tiffany@epa.gov]; Boeglin, Michael [Boeglin.Michael@epa.gov]; Rivera, Nina [Rivera.Nina@epa.gov]; Bergman, Ronald [Bergman.Ronald@epa.gov]; Fort, Felecia [Fort.Felecia@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]; Dollar, Carla [Dollar.Carla@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov];

Mears, Mary [Mears.Mary@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Holst, Linda [holst.linda@epa.gov]; McGuigan, David [McGuigan.David@epa.gov]; Reynolds, Lori [Reynolds.Lori@epa.gov]; Lapp, Jeffrey [lapp.jeffrey@epa.gov]; Price-Fay, Michelle [Price-Fay.Michelle@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Dart, Denny [Dart.Denny@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]; Jann, Stephen [jann.stephen@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Jones, Erica [Jones.Erica@epa.gov]; Kudla, Courtney [kudla.courtney@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Tera Fong [tera.fong@gmail.com]; Smith, Nelly [Smith.Nelly@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Kloss, Christopher [Kloss.Christopher@epa.gov]; Short, Thomas [short.thomas@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]

Subject: OW/OECA/WDDs/ECADDs

Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; OW/OECA/WDDs/ECADDs - agenda attached

Location: Ex. 6 Personal Privacy (PP)

Start: 3/31/2020 4:00:00 PM

End: 3/31/2020 5:00:00 PM

Show Time As: Busy

Recurrence: Weekly

Occurs every Tuesday from 11:00 AM to 12:00 PM effective 3/31/2020 until 5/8/2020.

Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics/questions by noon on Fridays day prior to the call you would like the topic/question discussed.

Ex. 5 Deliberative Process (DP)

Thank you,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
EPA Region 6 (WD) -Water Division
1201 Elm Street, Suite 500,
Dallas, TX 75270-2102
214-665-7171 / fax 214-665-6490 / varnado.miriam@epa.gov

•

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Attachments: Draft Agenda 03-19-2020 OW-OECA-WDDs-ECADDs Call-031920.docx; npdes-reporting-covid-031820.docx

Location: Use this **Ex. 6 Personal Privacy (PP)**

Start: 3/19/2020 4:00:00 PM

End: 3/19/2020 5:00:00 PM

Recurrence: (none)

invitation updated for agenda attached and handout for agenda #3 Report out HQ OECA

Jennifer McLain, Director of OGWDW in OW, has requested this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur 2X per week on Tuesday and Thursday until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics by noon on the day prior to the call you would like the topic discussed.

- HQ report out
 - OGWDW
 - OWM
 - Other offices as needed
- Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you,
Miriam

Miriam Varnado

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Location:

Ex. 6 Personal Privacy (PP)

Start: 3/26/2020 4:00:00 PM

End: 3/26/2020 5:00:00 PM

Recurrence: (none)

The meeting on 3/26/20 is being cancelled. Meetings will remain on Tuesdays going forward. The next call will be on Tuesday, 3/31/20.

Hello All,

Jennifer McLain, Director of OGWDW in OW, has requested this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur 2X per week on Tuesday and Thursday until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics by noon on the day prior to the call you would like the topic discussed.

Ex. 5 Deliberative Process (DP)

Thank you,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
EPA Region 6 (WD) -Water Division
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Attachments: Draft Agenda 03-31-2020 OW-OECA-WDDs-ECADDs Call.docx; Overview of Evidence Act and DW Priority Area (003)-call on 3-31-20.pdf

Location: **Ex. 6 Personal Privacy (PP)**

Start: 3/31/2020 4:00:00 PM

End: 3/31/2020 5:00:00 PM

Recurrence: (none)

Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics by cob Friday prior to the call you would like the topic discussed.

Ex. 5 Deliberative Process (DP)

Thank you! Stay safe and well,
Miriam

Miriam Varnado

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Attachments: Draft Agenda.04-7-2020.OW-OECA-WDDs-ECADDs.Call.docx

Location: **Ex. 6 Personal Privacy (PP)**

Start: 4/7/2020 4:00:00 PM

End: 4/7/2020 5:00:00 PM

Recurrence: (none)

Hello All,
See Draft Agenda Attached

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Ex. 5 Deliberative Process (DP)

Thank you,
Miriam

Miriam Varnado

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Attachments: Draft Agenda 04-14-2020 OW-OECA-WDDs-ECADDs Call.docx

Location: **Ex. 6 Personal Privacy (PP)**

Start: 4/14/2020 4:00:00 PM

End: 4/14/2020 5:00:00 PM

Recurrence: (none)

Please see agenda for today attached.

Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics/questions by noon on Fridays day prior to the call you would like the topic/question discussed.

Ex. 5 Deliberative Process (DP)

Thank you,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
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[kopec.slawomir@epa.gov]; Holst, Linda [holst.linda@epa.gov]; McGuigan, David [McGuigan.David@epa.gov]; Reynolds, Lori [Reynolds.Lori@epa.gov]; Lapp, Jeffrey [lapp.jeffrey@epa.gov]; Price-Fay, Michelle [Price-Fay.Michelle@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Dart, Denny [Dart.Denny@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]; Jann, Stephen [jann.stephen@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Jones, Erica [Jones.Erica@epa.gov]; Tovar, Katlyn [tovar.katlyn@epa.gov]; Kudla, Courtney [kudla.courtney@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Reed, Kristen [Reed.Kristen@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Pratt, Stacie [Pratt.Stacie@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]

Attachments: State Recommendations for PWS Contact.docx; State Drinking Water COVID-19 Statements1.docx; Draft Agenda 04-21-2020 OW-OECA-WDDs-ECADDs Call.docx; Remote Video Partial Compliance Evaluations - workgroup charge.pdf

Location: **Ex. 6 Personal Privacy (PP)**

Start: 4/21/2020 4:00:00 PM

End: 4/21/2020 5:00:00 PM

Recurrence: (none)

Please see attachments for today's call. Thanks, Miriam
Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics/questions by noon on Fridays day prior to the call you would like the topic/question discussed.

Ex. 5 Deliberative Process (DP)

Thank you,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
EPA Region 6 (WD) -Water Division
1201 Elm Street, Suite 500,
Dallas, TX 75270-2102
214-665-7171 / fax 214-665-6490 / varnado.miriam@epa.gov

•

To: Hindin, David[Hindin.David@epa.gov]; Dombrowski, John[Dombrowski.John@epa.gov]; Werner, Jacqueline[Werner.Jacqueline@epa.gov]
Cc: Dean, Abigail[Dean.Abigail@epa.gov]
From: Wilwerding, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B22A8959DB2548EB83549805319576D4-WILWERDING,]
Sent: Wed 3/18/2020 6:15:20 PM (UTC)
Subject: FW: Agenda for COVID-19 call today: quick feedback requested

Hi David, Jacqueline, John, didn't mean to exclude you from the below. Just needed Susan and Rosemarie's quick feedback more than anything. If you see something else that should be included, please let us know. Thanks,
Joe/Abby

Joe Wilwerding
OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP), wilwerding.joseph@epa.gov

From: Wilwerding, Joseph
Sent: Wednesday, March 18, 2020 12:02 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>
Subject: Agenda for COVID-19 call today: quick feedback requested

Hi all, please let us know if the agenda below looks ok for the call today (Susan and Rosemarie, please see specific items in red for you both).

Also, I received a call from one RC about who asked for this call and why, as it is taking away from other critical work. We may want to address that up front (it gets into the Participation topic for future calls).

Thanks,
Joe/Abby/Team

- Agenda
 - Ex. 5 Deliberative Process (DP)
 -
 -
 -

Joe Wilwerding
OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP), wilwerding.joseph@epa.gov

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Hindin, David[Hindin.David@epa.gov]
Cc: Lamberth, Larry[Lamberth.Larry@epa.gov]; Bias, Wendy[Bias.Wendy@epa.gov]
From: Kemker, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=765AD99166DB4233BD15FEBF6E9917B3-KEMKER, CAROL]
Sent: Wed 3/25/2020 4:04:42 PM (UTC)
Subject: FW: Thursday Call with State Commissioners
2020 comm talking pts..docx

Rosemarie and David,

We are having a call with our State Commissioners tomorrow. My RA has asked that I speak to concerns regarding enforcement and inspection expectations. A number of commissioners have asked about these issues. Below are my draft talking points. We would not provide this information in writing. Please let me know if there is anything in my talking points I should not say or could say better. The RA has requested that I get approval from OECA and have talking points to her by 3pm today.

Thanks for your help. Please let me know if you have any questions or concerns.

Carol
404-562-8975

Ex. 6 Personal Privacy (PP)

 mobile

To: Hindin, David[Hindin.David@epa.gov]; Dombrowski, John[Dombrowski.John@epa.gov]; Hill, Randy[Hill.Randy@epa.gov]; Knopes, Christopher[Knopes.Christopher@epa.gov]; Segall, Martha[Segall.Martha@epa.gov]
From: Palmer, Daniel[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D068C4F4C706474386E2C91CB667F3E8-DPALME03]
Sent: Thur 3/26/2020 9:11:06 PM (UTC)
Subject: Links to Covid-19 Guidance put out by NJ DEP

FYI.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034 (work)
Ex. 6 Personal Privacy (PP) cell)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Thursday, March 26, 2020 3:09 PM
To: Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

This is the guidance NJDEP put out. We did not have any input.

Compliance Advisory Issued March 26, 2020

New Law - DEP issues guidance for Public Water Systems and Wastewater Monitoring, Licensed Operator and Certified Laboratory issues due to the COVID-19 Pandemic

<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nj.gov%2Fdep%2Fenforcement%2Fadvisories%2F2020-05.pdf&data=02%7C01%7CModigliani.Justine%40epa.gov%7C23a1187a44804f9d659a08d7d1803090%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637208220803964776&sd=hl3axLlzfEqbALCeLIPLnVa%2FirmTeB3ix%2FHk9qv%2Bcg%3D&reserved=0>

To comment on this advisory go to
<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.nj.gov%2Fdep%2Fenforcement%2Fsurvey.html&data=02%7C01%7CModigliani.Justine%40epa.gov%7C23a1187a44804f9d659a08d7d1803090%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637208220803974731&sd=UcUXyIF9Gg%2BumMCWD8BaNX4BsCmNoUnWn8Q%2FIjONf8%3D&reserved=0>

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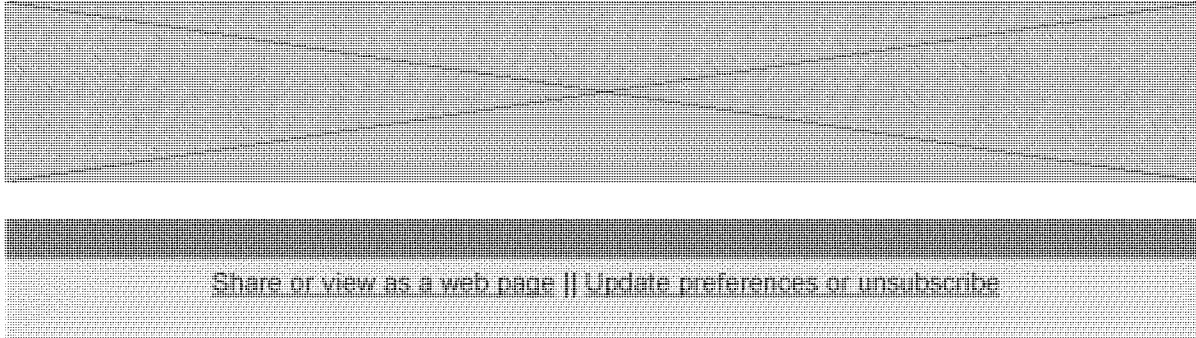
From: Modigliani, Justine
Sent: Thursday, March 26, 2020 9:49 AM
To: Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <freyre.dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, ED_004611E_00002976-00001
OECA COVID-19 2020
FOIAs_Production006

Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <McAnallen.Rachel@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

FYI

NYSDEC put out this helpful guidance. NJDEP is currently writing guidance for the Water and Wastewater Sector. They are putting out a compliance advisory that will address drinking water and wastewater as well as Licensed Operator issues and are considering enforcement discretion in the context of Covid19. NJ welcomes any thoughts we might have.



COVID-19 - Information for WWTP Operators

COVID-19: Wastewater Treatment Plant Compliance

DEC is receiving inquiries related to relief from SPDES permit and regulatory compliance. DEC is not authorizing any general waivers of compliance requirements, and will make best efforts to promptly respond to more specific inquiries and individual circumstances.

Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.

When issues with compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

COVID-19: Wastewater Treatment Plant Operations and Staffing

Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.

The qualifications for wastewater treatment plant operators are presented in 6 NYCRR Part 650. The New York State Department of Environmental Conservation's (DEC) guidance on wastewater plant staffing provides appropriate flexibility concerning the need for certified operators to be present in TOGS 1.5.4 "Guidelines for Staffing Wastewater Treatment Plants" and in TOGS 5.1.6 "Wastewater Treatment Plant Operator Certification."

Treatment plant operators are considered essential staff to meet regulatory requirements, protect public health, and provide required monitoring for public transparency. Treatment plant operators should have staffing plans, emergency response plans, and operations and maintenance plans, to guide operation and response in stressed or emergency circumstances.

COVID-19: Wastewater Treatment Links for Information on Precautions for Exposure

The New York State Department of Environmental Conservation has received inquiries regarding COVID-19 in wastewater and appropriate precautions for wastewater workers. In short, standard good operational and protective protocols normally employed are recommended to be continued by the leading scientific authorities. You may find useful information and guidance in the following links. Wastewater treatment is considered an essential public health responsibility. As such, workers in wastewater utilities are exempt from workforce reduction requirements. Please feel free to share this information with your municipal supervisors.

CDC - Water Transmission and COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

Coronavirus and Drinking Water and Wastewater

<https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>

The Water Professional's Guide to COVID-19

<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>

WHO - Water, sanitation, hygiene and waste management for COVID-19

<https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

OSHA – Solid Waste and Wastewater Management Workers

<https://www.osha.gov/SLTC/covid-19/>

Guidance for Reducing Health Risks to Workers Handling Human Waste or Sewage

https://www.cdc.gov/healthywater/global/sanitation/workers_handlingwaste.html

If you have questions related to the WWTP plant operations and staffing, information links, or compliance, you may email the Division of Water, Bureau of Water Compliance at edward.hampston@dec.ny.gov.

If you have specific facility information and questions on compliance for your facility, please contact the Regional Water Engineer in your DEC Region.

Central Office edward.hampston@dec.ny.gov

Region 1 anthony.leung@dec.ny.gov or cathy.haas@dec.ny.gov

Region 2 selvin.southwell@dec.ny.gov

Region 3 manju.cherian@dec.ny.gov

Region 4 derek.thorsland@dec.ny.gov

Region 5 robert.streeter@dec.ny.gov

Region 6 david.rarick@dec.ny.gov

Region 7 thomas.vigneault@dec.ny.gov

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Basil Seggos, Commissioner

This email was sent to mckenna.douglas@epa.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>

Sent: Wednesday, March 18, 2020 9:01 AM

To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

For what it's worth, here is direction CDPHE is giving its permittees in a larger FAQ:

- **How should dischargers complete their Discharge Monitoring Reports (DMRs) if staff are unable to sample or if they cannot get results back from the laboratory?**

A permittee that temporarily can not collect or analyze samples as required by their permit should still submit the required DMRs, but complete the following steps at the time of DMR submittal:

If your facility submits paper DMRs, please complete the DMR to the best of your ability and write "Pandemic Incident" on the DMR.

If your facility participates in electronic reporting via NetDMR, enter a no data indicator (NODI) code into the required field(s). Options are:

- NODI code "E" (analysis not conducted/ no sample)- this will be the appropriate NODI code in most scenarios. It will trigger NetDMR to flag a "violation." You will need to validate the violation to submit the DMR. Include a cover letter or comment on DMR with an explanation. If appropriate, the division will administratively resolve the violation and it won't be considered as part of your facility's compliance record.
- NODI code "2" (operation shutdown) - this should only be used in extreme situations.

If monitoring is able to be conducted during part, but not all, of the monitoring period, report any collected data on the DMR (or enter in NetDMR) and specifically note the actual frequency that the discharge was monitored. Include a cover letter or comment on the DMR with an explanation.

In some instances, permittees may be constricted to utilizing non-EPA approved methods for sampling and analysis. In this case, report any relevant data on the DMR and include a cover letter or comment that identifies the specific methodology associated with the monitoring.

In all cases, please submit a cover letter with the DMR that includes a brief explanation of how conditions beyond the

reasonable control of the permittee resulted in the monitoring and reporting requirements not being met. To the extent feasible, provide any information to support that the facility was being properly maintained at the time and was expected to be meeting effluent limits (e.g., contemporaneous operating logs, or other relevant evidence, that the facility. Also, identify the permittee's plan to complete the monitoring and reporting requirement as soon as possible. Any monitoring requirements that can not be met by the deadlines in a permit should still be completed at and reported to the division when conditions allow.

From: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>

Sent: Wednesday, March 18, 2020 6:55 AM

To: Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

Schedule-wise, I have a 2-2:30 conflict on 4/16, but the other times work for me.

Not to rain on the parade, but data strikes again. We've been fielding questions from states and regions (and indications on my workgroup call from yesterday that there are way more inquiries from permittees and labs than have made their way to us) that some state telework setups may prevent staff from batching data/monitoring scheduled batching from remote locations, labs that may have to close or won't send folks to facilities to do sampling, people with DMR signatory authority who may not be able to sign DMRs, etc. There are discussions at HQ now, since we heard the first of this Friday, about a central response; there is a meeting today where David Hindin will try to get direction from Susan/Larry on such a response.

Ex. 5 Deliberative Process (DP)

Beth

Beth Ragnauth

U.S. EPA
Office of Compliance, National Planning and Measures Branch
(202) 564-3161
ragnauth.elizabeth@epa.gov

From: Freyre, Dominique <Freyre.Dominique@epa.gov>

Sent: Wednesday, March 18, 2020 8:21 AM

To: Harsh, Chad <Harsh.Chad@epa.gov>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

All the times work for me.

From: Harsh, Chad <Harsh.Chad@epa.gov>

Sent: Wednesday, March 18, 2020 7:02 AM

To: Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Freyre, Dominique

<Freyre.Dominique@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

The times are good for me with the exception of 1:00 on the 15th. No great ideas on item 2.

chad

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>

Sent: Tuesday, March 17, 2020 8:43 PM

To: Palmer, Daniel <Palmer.Daniel@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

Any of the times on 4/16 work for me. We aren't as focused on inspections as other NCIs, so I don't think it is going to change much of our work in the short term. But if someone has more time to focus on data, that would be great!

Colleen

From: Palmer, Daniel <Palmer.Daniel@epa.gov>

Sent: Tuesday, March 17, 2020 2:16 PM

To: Freyre, Dominique <Freyre.Dominique@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: FW: NCI Steering Committee - 3 action items (due 3/20)

Hello SNC NCI Chairs,

See the email below. The Exec Board has three asks all due Friday: 1) populate data into the 10 region-specific NCI templates; 2) brainstorm on how we might shift the work we do as a result of Covid-19 disruption to our normal work (raises the question, how will this situation affect our NCI work?); and 3) pick a date/time for our MY NCI briefing for the Exec Board. I need your quick input on 2 and 3.

- On 1) I've asked Rachel to get up to speed on how to get the data to populate the templates.
- On 2), note the Exec Board was focused on inspectors not doing inspections when this idea arose – a big problem for most other NCIs, but not really ours. But we may have different problems – like states not being able to manage their NPDES data....
- On 3) I propose we take one of the times on April 16th: 11:00-12:30, 1:00-2:30, or 3:00-4:30. I'd prefer one of the afternoon time but flexible.

Thanks.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034

From: LaBoda, Sarah <LaBoda.Sarah@epa.gov>

Sent: Tuesday, March 17, 2020 11:10 AM

To: Belser, Evan <Belser.Evan@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland,

ED_004611E_00002976-00006

OECA COVID-19 2020
FOIAs_Production006

Andy <Crossland.Andy@epa.gov>; Chavez, Kimberly <Chavez.Kimberly@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: NCI Steering Committee - 3 action items (due 3/20)

Sent on Behalf of the Executive Board

NCI Steering Committee Chairs –

Three action items for your attention, below. **We are asking for responses for these 3 items by COB Friday, March 20.**

- **Regional Reporting Templates** - Thank you all for your quick review of the Regional Reporting Templates. The next step is for the Steering Committees to pre-populate the “SC” fields in the Regional Reporting Templates for each Region. There is a template for each Region linked to this email. *Let Sarah LaBoda/Kathleen Johnson know if you can’t complete this by 3/20 and need additional time.*
- **Ideas for Advancing NCI Activities** – With travel restrictions potentially limiting the number of NCI inspections that we may be able to perform in the coming weeks, we are seeking to crowdsource some ideas from the Steering Committees for how we can effectively use this time to advance other activities and goals of the NCIs. Activities such as: targeting, working on Data Systems, developing compliance alerts/advisories, training, inspection preparation, etc. Please submit any ideas or suggestions to Sarah.
- **NCI Mid-Year Exec Board Briefings** – The Exec Board has set aside 2 days in April for mid-year (tele-)briefings. During these mid-year briefings, we will be expecting a report-out on the general progress on implementation and reviewing all deliverables scheduled for 1st/2nd Quarter (summarized in the linked chart). We have 6 timeslots available – *please let Sarah know which of these timeslots do/do not work for your committee.*
 - **April 15** (all times Eastern)
 - 11:00-12:30
 - 1:00-2:30
 - 3:00-4:30
 - **April 16** (all times Eastern)
 - 11:00-12:30
 - 1:00-2:30
 - 3:00-4:30

Thanks!

To: Hindin, David[Hindin.David@epa.gov]; Segall, Martha[Segall.Martha@epa.gov]
Cc: VanTil, Barbara[vantil.barbara@epa.gov]; Duffy, Rick[Duffy.Rick@epa.gov]
From: Hill, Randy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=78E96FC07B6A4C14BE59B663B70BB29F-RHILL06]
Sent: Fri 3/27/2020 7:59:16 PM (UTC)
Subject: RE: OW companion memo to COVID 19 Enforcement Discretion Memo

I don't think it's worth your time.

Randolph L. ("Randy") Hill
Director, Enforcement Targeting and Data Division
U.S. EPA (2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-5474
(202) 564-0027 (FAX)
hill.randy@epa.gov

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From: Hindin, David <Hindin.David@epa.gov>
Sent: Friday, March 27, 2020 3:58 PM
To: Hill, Randy <Hill.Randy@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>
Cc: VanTil, Barbara <vantil.barbara@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>
Subject: RE: OW companion memo to COVID 19 Enforcement Discretion Memo

My two minute skim did not see anything for us. I am sure I would see issues if I spent time with it, but have to assume WED has looked at it more carefully.

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Friday, March 27, 2020 3:31 PM
To: Segall, Martha <Segall.Martha@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>
Subject: Re: OW companion memo to COVID 19 Enforcement Discretion Memo

Ex. 5 Deliberative Process (DP)

Randy Hill

OECA/OC/ETDD
U.S. EPA

Sent from a mobile device. Please excuse any typos, or any weird words (likely caused by overzealous auto-correction software).

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On Mar 27, 2020, at 2:52 PM, Segall, Martha <Segall.Martha@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

~~~~~  
Martha Segall  
Director (Acting)  
Monitoring, Assistance, and Media Programs Division  
Office of Compliance/OECA  
U.S. EPA  
ph: (202) 564-0723

---

**From:** Pollins, Mark <Pollins.Mark@epa.gov>  
**Sent:** Friday, March 27, 2020 2:51 PM  
**To:** Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>  
**Subject:** FW: OW companion memo to COVID 19 Enforcement Discretion Memo

Mark Pollins, Director  
Water Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance (OECA)  
U.S. Environmental Protection Agency  
Phone: (202) 564-4001  
Fax: (202) 564-0018

---

**From:** Burneson, Eric <Burneson.Eric@epa.gov>  
**Sent:** Friday, March 27, 2020 2:49 PM  
**To:** Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>  
**Subject:** RE: OW companion memo to COVID 19 Enforcement Discretion Memo

Colleagues: Ex. 5 Deliberative Process (DP)  
If you have not already begun editing/commenting please use this version instead.

---

**From:** Burneson, Eric  
**Sent:** Friday, March 27, 2020 2:25 PM  
**To:** Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** OW companion memo to COVID 19 Enforcement Discretion Memo

Sally, Rob, Mark and Carrie:  
I was asked to compile the draft of the OW companion memo to the OECA COVID 19 Enforcement Discretion Memo.

## Ex. 5 Deliberative Process (DP)

Since there is a March 31 deadline referenced in this memo we are working to have this out as early as Monday. Therefore I would appreciate your review and comment COB today if possible. Thanks in advance for your input.

Eric Burneson, P.E.  
Director of Standards and Risk Management  
Office of Ground Water and Drinking Water  
U.S. Environmental Protection Agency  
202 564 5250



**To:** Hindin, David[Hindin.David@epa.gov]; Hill, Randy[Hill.Randy@epa.gov]; VanTil, Barbara[vantil.barbara@epa.gov]; Duffy, Rick[Duffy.Rick@epa.gov]  
**From:** Segall, Martha[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=56E9B2DF09F2469294F95BD1E9EF827E-SEGALL, MARTHA]  
**Sent:** Fri 3/27/2020 6:52:12 PM (UTC)  
**Subject:** FW: OW companion memo to COVID 19 Enforcement Discretion Memo  
COVID19 Flexibilities and priorities-3-27-2020 v2.docx

**Ex. 5 Deliberative Process (DP)**

~~~~~

Martha Segall
Director (Acting)
Monitoring, Assistance, and Media Programs Division
Office of Compliance/OECA
U.S. EPA
ph: (202) 564-0723

From: Pollins, Mark <Pollins.Mark@epa.gov>
Sent: Friday, March 27, 2020 2:51 PM
To: Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Baptista, Chrisna <Baptista.Chrisna@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>
Subject: FW: OW companion memo to COVID 19 Enforcement Discretion Memo

Mark Pollins, Director
Water Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance (OECA)
U.S. Environmental Protection Agency
Phone: (202) 564-4001
Fax: (202) 564-0018

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Friday, March 27, 2020 2:49 PM
To: Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: OW companion memo to COVID 19 Enforcement Discretion Memo

Colleagues **Ex. 5 Deliberative Process (DP)**
If you have not already begun editing/commenting please use this version instead.

From: Burneson, Eric
Sent: Friday, March 27, 2020 2:25 PM
To: Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: OW companion memo to COVID 19 Enforcement Discretion Memo

Sally, Rob, Mark and Carrie:
I was asked to compile the draft of the OW companion memo to the OECA COVID 19 Enforcement Discretion Memo. Attached is a

Ex. 5 Deliberative Process (DP)

Since there is a March 31 deadline referenced in this memo we are working to have this out as early as Monday. Therefore I would

appreciate your review and comment COB today if possible. Thanks in advance for your input.

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]; Hindin, David[Hindin.David@epa.gov]
Cc: Tran, Victoria[tran.victoria@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 3/27/2020 6:50:41 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Whew, breathing again.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Friday, March 27, 2020 2:46 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Lesson learned that we should have bcc'd. Let me check if they work outside of the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency

ED_004611E_00002988-00001

OECA COVID-19 2020
FOIAs_Production006

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 27, 2020 2:42 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Looks like David did the same in his email to ECOS.

Let's figure out whether this is an issue or not (i.e. do the lists work for others?)

From: Bodine, Susan

Sent: Friday, March 27, 2020 2:40 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Friday, March 27, 2020 1:19 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh

Assistant Administrator

International and Tribal Affairs

United States Environmental Protection Agency

202-564-6600

Begin forwarded message:

From: Pinu'u Stout <pstout@sfpueblo.com>

Date: March 27, 2020 at 12:18:25 PM EDT

To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>

Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>

Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement

of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Hindin, David[Hindin.David@epa.gov]
From: Palmer, Daniel[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D068C4F4C706474386E2C91CB667F3E8-DPALME03]
Sent: Thur 3/26/2020 2:10:59 PM (UTC)
Subject: RE: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

She works for Doug McKenna, either his deputy or one of his Branch Chiefs. She is on the SNC NCI Steering Committee.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034 (work)
Ex. 6 Personal Privacy (PP) (cell)

From: Hindin, David <Hindin.David@epa.gov>
Sent: Thursday, March 26, 2020 10:06 AM
To: Palmer, Daniel <Palmer.Daniel@epa.gov>
Subject: RE: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

Thanks, who is Justine?

From: Palmer, Daniel <Palmer.Daniel@epa.gov>
Sent: Thursday, March 26, 2020 9:58 AM
To: Hill, Randy <Hill.Randy@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Subject: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

FYI. See below. Key points:

- “Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.”
- “Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.”

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034 (work)
Ex. 6 Personal Privacy (PP) (cell)

From: Modigliani, Justine <Modigliani.Justine@epa.gov>
Sent: Thursday, March 26, 2020 9:49 AM
To: Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

FYI
NYSDEC put out this helpful guidance. NJDEP is currently writing guidance for the Water and Wastewater Sector. They are putting out a compliance advisory that will address drinking water and wastewater as well as Licensed Operator issues and are considering enforcement discretion in the context of Covid19. NJ welcomes any thoughts we might have.

COVID-19 - Information for WWTP Operators

COVID-19: Wastewater Treatment Plant Compliance

DEC is receiving inquiries related to relief from SPDES permit and regulatory compliance. DEC is not authorizing any general waivers of compliance requirements, and will make best efforts to promptly respond to more specific inquiries and individual circumstances.

Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.

When issues with compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

COVID-19: Wastewater Treatment Plant Operations and Staffing

Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.

The qualifications for wastewater treatment plant operators are presented in 6 NYCRR Part 650. The New York State Department of Environmental Conservation's (DEC) guidance on wastewater plant staffing provides appropriate flexibility concerning the need for certified operators to be present in TOGS 1.5.4 "Guidelines for Staffing Wastewater Treatment Plants" and in TOGS 5.1.6 "Wastewater Treatment Plant Operator Certification."

Treatment plant operators are considered essential staff to meet regulatory requirements, protect public health, and provide required monitoring for public transparency. Treatment plant operators should have staffing plans, emergency response plans, and operations and maintenance plans, to guide operation and response in stressed or emergency circumstances.

COVID-19: Wastewater Treatment Links for Information on Precautions for Exposure

The New York State Department of Environmental Conservation has received inquiries regarding COVID-19 in wastewater and appropriate precautions for

wastewater workers. In short, standard good operational and protective protocols normally employed are recommended to be continued by the leading scientific authorities. You may find useful information and guidance in the following links. Wastewater treatment is considered an essential public health responsibility. As such, workers in wastewater utilities are exempt from workforce reduction requirements. Please feel free to share this information with your municipal supervisors.

CDC - Water Transmission and COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

Coronavirus and Drinking Water and Wastewater

<https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>

The Water Professional's Guide to COVID-19

<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>

WHO - Water, sanitation, hygiene and waste management for COVID-19

<https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

OSHA – Solid Waste and Wastewater Management Workers

<https://www.osha.gov/SLTC/covid-19/>

Guidance for Reducing Health Risks to Workers Handling Human Waste or Sewage

https://www.cdc.gov/healthywater/global/sanitation/workers_handlingwaste.html

If you have questions related to the WWTP plant operations and staffing, information links, or compliance, you may email the Division of Water, Bureau of Water Compliance at edward.hampston@dec.ny.gov.

If you have specific facility information and questions on compliance for your facility, please contact the Regional Water Engineer in your DEC Region.

Central Office edward.hampston@dec.ny.gov

Region 1 anthony.leung@dec.ny.gov or cathy.haas@dec.ny.gov

Region 2 selvin.southwell@dec.ny.gov

Region 3 manju.cherian@dec.ny.gov

Region 4 derek.thorsland@dec.ny.gov

Region 5 robert.streeter@dec.ny.gov

Region 6 david.rarick@dec.ny.gov

Region 7 thomas.vigneault@dec.ny.gov

Region 8 tara.blum@dec.ny.gov

Region 9 jeffrey.konsella@dec.ny.gov

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Connect with DEC:   

This email was sent to mckenna.douglas@epa.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>

Sent: Wednesday, March 18, 2020 9:01 AM

To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

For what it's worth, here is direction CDPHE is giving its permittees in a larger FAQ:

- **How should dischargers complete their Discharge Monitoring Reports (DMRs) if staff are unable to sample or if they cannot get results back from the laboratory?**

A permittee that temporarily can not collect or analyze samples as required by their permit should still submit the required DMRs, but complete the following steps at the time of DMR submittal:

If your facility submits paper DMRs, please complete the DMR to the best of your ability and write "Pandemic Incident" on the DMR.

If your facility participates in electronic reporting via NetDMR, enter a no data indicator (NODI) code into the required field(s). Options are:

- NODI code "E" (analysis not conducted/ no sample)- this will be the appropriate NODI code in most scenarios. It will trigger NetDMR to flag a "violation." You will need to validate the violation to submit the DMR. Include a cover letter or comment on DMR with an explanation. If appropriate, the division will administratively resolve the violation and it won't be considered as part of your facility's compliance record.
- NODI code "2" (operation shutdown) - this should only be used in extreme situations.

If monitoring is able to be conducted during part, but not all, of the monitoring period, report any collected data on the DMR (or enter in NetDMR) and specifically note the actual frequency that the discharge was monitored. Include a cover letter or comment on the DMR with an explanation.

In some instances, permittees may be constricted to utilizing non-EPA approved methods for sampling and analysis. In this case, report any relevant data on the DMR and include a cover letter or comment that identifies the specific methodology associated with the monitoring.

In all cases, please submit a cover letter with the DMR that includes a brief explanation of how conditions beyond the reasonable control of the permittee resulted in the monitoring and reporting requirements not being met. To the extent feasible, provide any information to support that the facility was being properly maintained at the time and was expected to be meeting effluent limits (e.g., contemporaneous operating logs, or other relevant evidence, that the facility. Also, identify the permittee's plan to complete the monitoring and reporting requirement as soon as possible.

Any monitoring requirements that can not be met by the deadlines in a permit should still be completed at and reported to the division when conditions allow.

From: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>

Sent: Wednesday, March 18, 2020 6:55 AM

To: Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine

<Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

Schedule-wise, I have a 2-2:30 conflict on 4/16, but the other times work for me.

Not to rain on the parade, but data strikes again. We've been fielding questions from states and regions (and indications on my workgroup call from yesterday that there are way more inquiries from permittees and labs than have made their way to us) that some state telework setups may prevent staff from batching data/monitoring scheduled batching from remote locations, labs that may have to close or won't send folks to facilities to do sampling, people with DMR signatory authority who may not be able to sign DMRs, etc. There are discussions at HQ now, since we heard the first of this Friday, about a central response; there is a meeting today where David Hindin will try to get direction from Susan/Larry on such a response.

Ex. 5 Deliberative Process (DP)

Beth

Beth Ragnauth

U.S. EPA
Office of Compliance, National Planning and Measures Branch
(202) 564-3161
ragnauth.elizabeth@epa.gov

From: Freyre, Dominique <Freyre.Dominique@epa.gov>
Sent: Wednesday, March 18, 2020 8:21 AM
To: Harsh, Chad <Harsh.Chad@epa.gov>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

All the times work for me.

From: Harsh, Chad <Harsh.Chad@epa.gov>
Sent: Wednesday, March 18, 2020 7:02 AM
To: Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

The times are good for me with the exception of 1:00 on the 15th. No great ideas on item 2.

chad

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>
Sent: Tuesday, March 17, 2020 8:43 PM
To: Palmer, Daniel <Palmer.Daniel@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Greenwald, Kathryn

<Greenwald.Kathryn@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

Any of the times on 4/16 work for me. We aren't as focused on inspections as other NCIs, so I don't think it is going to change much of our work in the short term. But if someone has more time to focus on data, that would be great!

Colleen

From: Palmer, Daniel <Palmer.Daniel@epa.gov>

Sent: Tuesday, March 17, 2020 2:16 PM

To: Freyre, Dominique <Freyre.Dominique@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: FW: NCI Steering Committee - 3 action items (due 3/20)

Hello SNC NCI Chairs,

See the email below. The Exec Board has three asks all due Friday: 1) populate data into the 10 region-specific NCI templates; 2) brainstorm on how we might shift the work we do as a result of Covid-19 disruption to our normal work (raises the question, how will this situation affect our NCI work?); and 3) pick a date/time for our MY NCI briefing for the Exec Board. I need your quick input on 2 and 3.

- On 1) I've asked Rachel to get up to speed on how to get the data to populate the templates.
- On 2), note the Exec Board was focused on inspectors not doing inspections when this idea arose – a big problem for most other NCIs, but not really ours. But we may have different problems – like states not being able to manage their NPDES data....
- On 3) I propose we take one of the times on April 16th: 11:00-12:30, 1:00-2:30, or 3:00-4:30. I'd prefer one of the afternoon time but flexible.

Thanks.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034

From: LaBoda, Sarah <LaBoda.Sarah@epa.gov>

Sent: Tuesday, March 17, 2020 11:10 AM

To: Belser, Evan <Belser.Evan@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Chavez, Kimberly <Chavez.Kimberly@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; King, Carol <King.Carol@epa.gov>

Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: NCI Steering Committee - 3 action items (due 3/20)

Sent on Behalf of the Executive Board

NCI Steering Committee Chairs –

Three action items for your attention, below. **We are asking for responses for these 3 items by COB Friday, March 20.**

- **Regional Reporting Templates** - Thank you all for your quick review of the Regional Reporting Templates. The next step is for the Steering Committees to pre-populate the "SC" fields in the Regional Reporting Templates for each Region. There is a template for each Region linked to this email. *Let Sarah LaBoda/Kathleen Johnson know if you can't complete this by 3/20 and need additional time.*

- **Ideas for Advancing NCI Activities** – With travel restrictions potentially limiting the number of NCI inspections that we may be able to perform in the coming weeks, we are seeking to crowdsource some ideas from the Steering Committees for how we can effectively use this time to advance other activities and goals of the NCIs. Activities such as: targeting, working on Data Systems, developing compliance alerts/advisories, training, inspection preparation, etc. Please submit any ideas or suggestions to Sarah.
- **NCI Mid-Year Exec Board Briefings** – The Exec Board has set aside 2 days in April for mid-year (tele-)briefings. During these mid-year briefings, we will be expecting a report-out on the general progress on implementation and reviewing all deliverables scheduled for 1st/2nd Quarter (summarized in the linked chart). We have 6 timeslots available – *please let Sarah know which of these timeslots do/do not work for your committee.*

- **April 15** (all times Eastern)

- 11:00-12:30
- 1:00-2:30
- 3:00-4:30

- **April 16** (all times Eastern)

- 11:00-12:30
- 1:00-2:30
- 3:00-4:30

Thanks!

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Bohan, Suzanne[bohan.suzanne@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]
Cc: Hindin, David[Hindin.David@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Wilwerding, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B22A8959DB2548EB83549805319576D4-WILWERDING,]
Sent: Mon 3/23/2020 4:05:59 PM (UTC)
Subject: RE: 3-22-20 version
RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Hi Kathleen, responding since this is fast moving and I believe Suzanne is in meetings currently. Suzanne and some of the EDs have seen the draft. See attached exchanges internally and with R7 this morning to see some of their thinking. We'll try to get in touch with the Regions on show-stopper comments ASAP.

Joe Wilwerding

OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP) wilwerding.joseph@epa.gov

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Monday, March 23, 2020 10:00 AM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: 3-22-20 version

Suzanne,
Catching you up to where we are on this. You may have already received a version of this enforcement discretion paper from Greg. Susan sent a version of this to the AAs. She is hoping to get comments back and then send up to the Administrator for approval, hopefully today. Please share with ECAD Directors and Regional Counsels. We are not asking for line edits – there have already been a number of small language tweaks even to this version. We would be interested in any major show stopper concerns that the Regions may have. We know that its really important to get this out – so if regions have any major concerns, can they send them ASAP and preferably by 5:00 eastern today? (Before Susan sends it up to the Administrator?) Thank you!

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Monday, March 23, 2020 10:15 AM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

Attached adds minor edit regarding Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 5 Personal Privacy (PP)

 (Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 23, 2020 10:04 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Monday, March 23, 2020 9:49 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 2:56 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>
Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>

Sent: Sunday, March 22, 2020 1:38 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 11:32 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and **Ex. 5 Deliberative Process (DP)**

From: Bodine, Susan

Sent: Sunday, March 22, 2020 10:43 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan

Sent: Saturday, March 21, 2020 9:06 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan
Sent: Saturday, March 21, 2020 8:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 7:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Saturday, March 21, 2020 7:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 5 Deliberative Process (DP) Office Cell)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 20, 2020 5:13 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 3:09 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Bohan, Suzanne[bohan.suzanne@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]
From: Cozad, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4A30A28BE6A74D3DA779BB7F7B34A876-COZAD, DAVID]
Sent: Mon 3/23/2020 2:03:00 PM (UTC)
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID19 message 03 22 20 .docx
ATT00001.htm
Guidance on the Essential Critical Infrastructure Workforce CISA.pdf
ATT00002.htm
EPA Letter 3.20.20.pdf
ATT00003.htm

Ex. 5 Deliberative Process (DP)

From: Gulliford, Jim <gulliford.jim@epa.gov>
Sent: Sunday, March 22, 2020 10:50 AM
To: Cozad, David <Cozad.David@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>; Tapp, Joshua <Tapp.Joshua@epa.gov>
Subject: Fwd: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Let's be ready to respond Monday

Jbg

Sent from my iPhone
Begin forwarded message:

From: "Sopkin, Gregory" <sopkin.gregory@epa.gov>
Date: March 22, 2020 at 10:47:48 AM CDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>, "Deziel, Dennis" <Deziel.Dennis@epa.gov>, "Lopez, Peter" <lopez.peter@epa.gov>, "Servidio, Cosmo" <Servidio.Cosmo@epa.gov>, "Walker, Mary" <walker.mary@epa.gov>, "Thiede, Kurt" <thiede.kurt@epa.gov>, "McQueen, Ken" <McQueen.Ken@epa.gov>, "Gulliford, Jim" <gulliford.jim@epa.gov>, "Busterud, John" <Busterud.John@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Garvey, Megan" <garvey.megan@epa.gov>
Cc: "Sethuraman, Jag" <Sethuraman.Jag@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Fellow RAs:

Please see below message and attached documents from Susan Bodine. This concerns messaging to states and policy regarding COVID-19 Implications for Enforcement and Compliance Assurance. Susan asked me to reach out to all the RAs to get their thoughts on this. I don't have the turn around time but I believe it is short, so please provide any thoughts you may have to me by mid-day tomorrow (Monday) so I can compile them and get back to Susan. Thanks so much for your attention to this!

Greg Sopkin
Regional Administrator
US EPA Region 8
Office: 303.312.6170
Cell: Ex. 6 Personal Privacy (PP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 9:31 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Sethuraman, Jag <Sethuraman.Jag@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Importance: High

AAs et al,

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

To: Cozad, David[Cozad.David@epa.gov]
Cc: Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]; Schefski, Kenneth[Schefski.Kenneth@epa.gov]
From: Bohan, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0A83D74CCF7C4B40ACDBF09C093F3B16-BOHAN, SUZANNE]
Sent: Mon 3/23/2020 2:44:44 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID19 message 03 22 20 .R8.docx

Dave –

KC and I worked on edits yesterday and provided the attached document to our RA. We're waiting to hear back. I'm not sure whether we will be consolidating comments from other Regions. We only have an hour or so before Susan's deadline to receive comments, and KC and I have a senior leadership team meeting with the RA in 15 minutes, so I don't think we can get a call together (plus, I don't think all RAs shared the draft with EDs) . I'd love your thoughts on our edits. I will pass along your feedback on sharing with ECOS.

Thanks,
Suzanne

From: Cozad, David <Cozad.David@epa.gov>
Sent: Monday, March 23, 2020 8:03 AM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

From: Gulliford, Jim <gulliford.jim@epa.gov>
Sent: Sunday, March 22, 2020 10:50 AM
To: Cozad, David <Cozad.David@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>; Tapp, Joshua <Tapp.Joshua@epa.gov>
Subject: Fwd: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Let's be ready to respond Monday

Jbg

Sent from my iPhone
Begin forwarded message:

From: "Sopkin, Gregory" <sopkin.gregory@epa.gov>
Date: March 22, 2020 at 10:47:48 AM CDT
To: "Benevento, Douglas" <benevento.douglas@epa.gov>, "Deziel, Dennis" <Deziel.Dennis@epa.gov>, "Lopez, Peter" <lopez.peter@epa.gov>, "Servidio, Cosmo" <Servidio.Cosmo@epa.gov>, "Walker, Mary" <walker.mary@epa.gov>, "Thiede, Kurt" <thiede.kurt@epa.gov>, "McQueen, Ken" <McQueen.Ken@epa.gov>, "Gulliford, Jim" <gulliford.jim@epa.gov>, "Busterud, John" <Busterud.John@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Garvey, Megan" <garvey.megan@epa.gov>
Cc: "Sethuraman, Jag" <Sethuraman.Jag@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Fellow RAs:

Please see below message and attached documents from Susan Bodine. This concerns messaging to states and policy regarding COVID-19 Implications for Enforcement and Compliance Assurance. Susan asked me to reach out to all the RAs to get their thoughts on

this. I don't have the turn around time but I believe it is short, so please provide any thoughts you may have to me by mid-day tomorrow (Monday) so I can compile them and get back to Susan. Thanks so much for your attention to this!

Greg Sopkin
Regional Administrator
US EPA Region 8
Office: 303.312.6170
Cell: Ex. 6 Personal Privacy (PP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 9:31 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mccintosh.chad@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Sethuraman, Jag <Sethuraman.Jag@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Importance: High

AAs et al,

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

To: Bohan, Suzanne[bohan.suzanne@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Hindin, David[Hindin.David@epa.gov]
Cc: Welton, Patricia[Welton.Patricia@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]
From: Seager, Cheryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=837BA829B5634810B2F0B7C5A6CA70D6-SEAGER, CHERYL]
Sent: Tue 3/10/2020 4:19:19 PM (UTC)
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Thanks Suzanne!

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Tuesday, March 10, 2020 10:48 AM
To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Welton, Patricia <Welton.Patricia@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Cheryl –
R9 received a request for a no action assurance from an NPDES permittee who may not be able to get contractors to an island facility to sample. They are working with HQ on this. We are meeting with Susan later today and will raise your issue.
Suzanne

From: Seager, Cheryl <Seager.Cheryl@epa.gov>
Sent: Tuesday, March 10, 2020 9:28 AM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi guys – we got this from the DRA – do you know if any other regions have gotten similar requests, and if they have, how they are handling them?

Thanks,
Cheryl

From: Gray, David <gray.david@epa.gov>
Sent: Tuesday, March 10, 2020 10:24 AM
To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: State Requests - CONVID-19 Quarantine Facilities

States are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Do we have any guidance?

To: Hill, Randy[Hill.Randy@epa.gov]
From: Hindin, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D1D8A22DEDC4F2AA58C01FCD00BFEC0-DHINDI02]
Sent: Thur 3/26/2020 2:37:22 PM (UTC)
Subject: RE: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

The noon OW call was cancelled for today.

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Thursday, March 26, 2020 10:28 AM
To: Hindin, David <Hindin.David@epa.gov>
Subject: RE: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

David,

I can't make the noon WD/ECAD call today. I have the Bimonthly ECHO Governance Team to chair. Will you be on it?

I sent you late yesterday the draft guidance for reporting to ICIS-NPDES. Not sure if you want to mention that we're soliciting comment on it?

I saw your note about NYDEC. It's a little tighter than Susan's, though similar.

Let me know if we need to chat. Saw your note saying you're tied up until noon.

Randolph L. ("Randy") Hill
Director, Enforcement Targeting and Data Division
U.S. EPA (2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-5474
(202) 564-0027 (FAX)
hill.randy@epa.gov

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From: Hindin, David <Hindin.David@epa.gov>
Sent: Thursday, March 26, 2020 10:13 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>
Subject: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

FYI.

I thought about trying to compile what states are issuing, but not sure how valuable it would be. This gets into details of how to report DMRs.

TEXT BELOW IS FROM REGION 2 person as part of our NCI SNC work.

NYSDEC put out this helpful guidance. New Jersey DEP is currently writing guidance for the Water and Wastewater Sector. They are putting out a compliance advisory that will address drinking water and wastewater as well as Licensed Operator issues and are considering enforcement discretion in the context of Covid19. NJ welcomes any thoughts we might have.

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COVID-19 - Information for WWTP Operators

COVID-19: Wastewater Treatment Plant Compliance

DEC is receiving inquiries related to relief from SPDES permit and regulatory compliance. DEC is not authorizing any general waivers of compliance requirements, and will make best efforts to promptly respond to more specific inquiries and individual circumstances.

Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.

When issues with compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

COVID-19: Wastewater Treatment Plant Operations and Staffing

Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.

The qualifications for wastewater treatment plant operators are presented in 6 NYCRR Part 650. The New York State Department of Environmental Conservation's (DEC) guidance on wastewater plant staffing provides appropriate flexibility concerning the need for certified operators to be present in TOGS 1.5.4 "Guidelines for Staffing Wastewater Treatment Plants" and in TOGS 5.1.6 "Wastewater Treatment Plant Operator Certification."

Treatment plant operators are considered essential staff to meet regulatory requirements, protect public health, and provide required monitoring for public transparency. Treatment plant operators should have staffing plans, emergency response plans, and operations and maintenance plans, to guide operation and response in stressed or emergency circumstances.

COVID-19: Wastewater Treatment Links for Information on Precautions for Exposure

The New York State Department of Environmental Conservation has received inquiries regarding COVID-19 in wastewater and appropriate precautions for wastewater workers. In short, standard good operational and protective protocols normally employed are recommended to be continued by the leading scientific authorities. You may find useful information and guidance in the following links. Wastewater treatment is considered an essential public health responsibility. As such, workers in wastewater utilities are exempt from workforce reduction requirements. Please feel free to share this information with your municipal supervisors.

CDC - Water Transmission and COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

Coronavirus and Drinking Water and Wastewater

<https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>

The Water Professional's Guide to COVID-19

<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>

WHO - Water, sanitation, hygiene and waste management for COVID-19

<https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

OSHA – Solid Waste and Wastewater Management Workers

<https://www.osha.gov/SLTC/covid-19/>

Guidance for Reducing Health Risks to Workers Handling Human Waste or Sewage

https://www.cdc.gov/healthywater/global/sanitation/workers_handlingwaste.html

If you have questions related to the WWTP plant operations and staffing, information links, or compliance, you may email the Division of Water, Bureau of Water Compliance at edward.hampston@dec.ny.gov.

If you have specific facility information and questions on compliance for your facility, please contact the Regional Water Engineer in your DEC Region.

Central Office edward.hampston@dec.ny.gov

Region 1 anthony.leung@dec.ny.gov or cathy.haas@dec.ny.gov

Region 2 selvin.southwell@dec.ny.gov

Region 3 manju.cherian@dec.ny.gov

Region 4 derek.thorsland@dec.ny.gov

Region 5 robert.streeter@dec.ny.gov

Region 6 david.rarick@dec.ny.gov

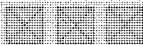
Region 7 thomas.vigneault@dec.ny.gov

Region 8 tara.blum@dec.ny.gov

Region 9 jeffrey.konsella@dec.ny.gov

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Basil Seggos, Commissioner

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>

Sent: Wednesday, March 18, 2020 9:01 AM

To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <McAnallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>

Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

For what it's worth, here is direction CDPHE is giving its permittees in a larger FAQ:

- **How should dischargers complete their Discharge Monitoring Reports (DMRs) if staff are unable to sample or if they cannot get results back from the laboratory?**

A permittee that temporarily can not collect or analyze samples as required by their permit should still submit the required DMRs, but complete the following steps at the time of DMR submittal:

If your facility submits paper DMRs, please complete the DMR to the best of your ability and write "Pandemic Incident" on the DMR.

If your facility participates in electronic reporting via NetDMR, enter a no data indicator (NODI) code into the required field(s). Options are:

- NODI code "E" (analysis not conducted/ no sample)- this will be the appropriate NODI code in most scenarios. It will trigger NetDMR to flag a "violation." You will need to validate the violation to submit the DMR. Include a cover letter or comment on DMR with an explanation. If appropriate, the division will administratively resolve the violation and it won't be considered as part of your facility's compliance record.
- NODI code "2" (operation shutdown) - this should only be used in extreme situations.

If monitoring is able to be conducted during part, but not all, of the monitoring period, report any collected data on the DMR (or enter in NetDMR) and specifically note the actual frequency that the discharge was monitored. Include a cover letter or comment on the DMR with an explanation.

In some instances, permittees may be constricted to utilizing non-EPA approved methods for sampling and analysis. In this case, report any relevant data on the DMR and include a cover letter or comment that identifies the specific methodology associated with the monitoring.

In all cases, please submit a cover letter with the DMR that includes a brief explanation of how conditions beyond the reasonable control of the permittee resulted in the monitoring and reporting requirements not being met. To the extent feasible, provide any information to support that the facility was being properly maintained at the time and was expected to be meeting effluent limits (e.g., contemporaneous operating logs, or other relevant evidence, that the facility. Also, identify the permittee's plan to complete the monitoring and reporting requirement as soon as possible.

Any monitoring requirements that can not be met by the deadlines in a permit should still be completed at and reported to the division when conditions allow.

To: Palmer, Daniel[Palmer.Daniel@epa.gov]
From: Hindin, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D1D8A22DEDC4F2AA58C01FCD00BFEC0-DHINDI02]
Sent: Thur 3/26/2020 2:28:59 PM (UTC)
Subject: RE: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

I saw that and I think Colorado ID is clear. I also deleted a lot of the email back and forth at the bottom

From: Palmer, Daniel <Palmer.Daniel@epa.gov>
Sent: Thursday, March 26, 2020 10:25 AM
To: Hindin, David <Hindin.David@epa.gov>
Subject: RE: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

FYI, I'm thinking you may have read the email at the bottom of the chain below as being NY DEC. It's separate - an email from the R8 NPDES BC re: direction Colorado DPHE is giving its NPDES permittees in a larger DPHE FAQ.

Daniel Palmer, Deputy Director
Planning, Measures and Oversight Division
OECA/Office of Compliance
(202) 564-5034 (work)

Ex. 6 Personal Privacy (PP)

 (cell)

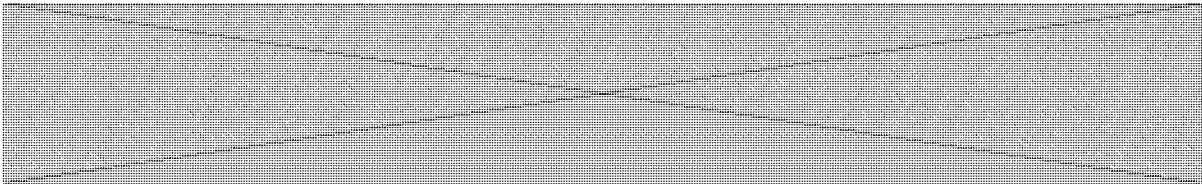
From: Hindin, David <Hindin.David@epa.gov>
Sent: Thursday, March 26, 2020 10:13 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>
Subject: New NY DEC Guidance: COVID-19 - Information for WWTP Operators

FYI.

I thought about trying to compile what states are issuing, but not sure how valuable it would be. This gets into details of how to report DMRs.

TEXT BELOW IS FROM REGION 2 person as part of our NCI SNC work.

NYSDEC put out this helpful guidance. New Jersey DEP is currently writing guidance for the Water and Wastewater Sector. They are putting out a compliance advisory that will address drinking water and wastewater as well as Licensed Operator issues and are considering enforcement discretion in the context of Covid19. NJ welcomes any thoughts we might have.



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COVID-19: Wastewater Treatment Plant Compliance

DEC is receiving inquiries related to relief from SPDES permit and regulatory compliance. DEC is not authorizing any general waivers of compliance requirements, and will make best efforts to promptly respond to more specific inquiries and individual circumstances.

Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.

When issues with compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

COVID-19: Wastewater Treatment Plant Operations and Staffing

Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.

The qualifications for wastewater treatment plant operators are presented in 6 NYCRR Part 650. The New York State Department of Environmental Conservation's (DEC) guidance on wastewater plant staffing provides appropriate flexibility concerning the need for certified operators to be present in TOGS 1.5.4 "Guidelines for Staffing Wastewater Treatment Plants" and in TOGS 5.1.6 "Wastewater Treatment Plant Operator Certification."

Treatment plant operators are considered essential staff to meet regulatory requirements, protect public health, and provide required monitoring for public transparency. Treatment plant operators should have staffing plans, emergency response plans, and operations and maintenance plans, to guide operation and response in stressed or emergency circumstances.

COVID-19: Wastewater Treatment Links for Information on Precautions for Exposure

The New York State Department of Environmental Conservation has received inquiries regarding COVID-19 in wastewater and appropriate precautions for wastewater workers. In short, standard good operational and protective protocols normally employed are recommended to be continued by the leading scientific authorities. You may find useful information and guidance in the following links. Wastewater treatment is considered an essential public health responsibility. As such, workers in wastewater utilities are exempt from workforce reduction requirements. Please feel free to share this information with your municipal supervisors.

CDC - Water Transmission and COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

Coronavirus and Drinking Water and Wastewater

<https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>

The Water Professional's Guide to COVID-19

<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>

WHO - Water, sanitation, hygiene and waste management for COVID-19

<https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

OSHA – Solid Waste and Wastewater Management Workers

<https://www.osha.gov/SLTC/covid-19/>

Guidance for Reducing Health Risks to Workers Handling Human Waste or Sewage

https://www.cdc.gov/healthywater/global/sanitation/workers_handlingwaste.html

If you have questions related to the WWTP plant operations and staffing, information links, or compliance, you may email the Division of Water, Bureau of Water Compliance at edward.hampston@dec.ny.gov.

If you have specific facility information and questions on compliance for your facility, please contact the Regional Water Engineer in your DEC Region.

Central Office edward.hampston@dec.ny.gov

Region 1 anthony.leung@dec.ny.gov or cathy.haas@dec.ny.gov

Region 2 selvin.southwell@dec.ny.gov

Region 3 manju.cherian@dec.ny.gov

Region 4 derek.thorsland@dec.ny.gov

Region 5 robert.streeter@dec.ny.gov

Region 6 david.rarick@dec.ny.gov

Region 7 thomas.vigneault@dec.ny.gov

Region 8 tara.blum@dec.ny.gov

Region 9 jeffrey.konsella@dec.ny.gov

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Basil Seggos, Commissioner

This email was sent to mckenna.douglas@epa.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

From: Rathbone, Colleen <Rathbone.Colleen@epa.gov>

Sent: Wednesday, March 18, 2020 9:01 AM

ED_004611E_00003101-00003

OECA COVID-19 2020
FOIAs_Production006

To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Freyre, Dominique <Freyre.Dominique@epa.gov>; Harsh, Chad <Harsh.Chad@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Heminway, Seth <Heminway.Seth@epa.gov>; McAnallen, Rachel <Mcanallen.Rachel@epa.gov>; Modigliani, Justine <Modigliani.Justine@epa.gov>; Piantanida, David <Piantanida.David@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Subject: RE: NCI Steering Committee - 3 action items (due 3/20)

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- **How should dischargers complete their Discharge Monitoring Reports (DMRs) if staff are unable to sample or if they cannot get results back from the laboratory?**

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Any monitoring requirements that can not be met by the deadlines in a permit should still be completed at and reported to the division when conditions allow.

To: Kadish, Rochele[Kadish.Rochele@epa.gov]
From: Hindin, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D1D8A22DEDC4F2AA58C01FCD00BFEC0-DHINDI02]
Sent: Tue 3/17/2020 8:35:38 PM (UTC)
Subject: FW: Ohio EPA operations status - please read

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Tuesday, March 17, 2020 11:38 AM
To: Hindin, David <Hindin.David@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>
Subject: RE: Ohio EPA operations status - please read

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Randolph L. ("Randy") Hill
Director, Enforcement Targeting and Data Division
U.S. EPA (2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-5474
(202) 564-0027 (FAX)
hill.randy@epa.gov

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From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 17, 2020 11:26 AM
To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>
Subject: RE: Ohio EPA operations status - please read

Thanks

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Sent: Tuesday, March 17, 2020 11:11 AM

To: Hindin, David <Hindin.David@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>
Subject: RE: Ohio EPA operations status - please read

David,

The attached email from Jane Wallace from yesterday includes an attachment that appears to be a one-pager on this topic. ETDD may want to review to see if it contains all the pieces you requested below, but I think it's at least pretty close.

Beth

Beth Ragnauth

U.S. EPA
Office of Compliance, National Planning and Measures Branch
(202) 564-3161
ragnauth.elizabeth@epa.gov

From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 17, 2020 11:04 AM
To: Hill, Randy <Hill.Randy@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Subject: RE: Ohio EPA operations status - please read
Importance: High

I do not see any paper on this, just emails.

Could you do a one pager for the OC Biweekly with Susan and Larry tomorrow? Need by 4pm

Issue: We have received at least one requests from a state NPDES program to delay this upload to ICIS of NPDES data, including DMRs. We also have received at least one request from a lab that sends in DMRs on behalf of permittees that it may not be able to do this.

Ex. 5 Deliberative Process (DP)

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Monday, March 16, 2020 6:01 PM
To: Hindin, David <Hindin.David@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Subject: RE: Ohio EPA operations status - please read

You've got it. In the specific case of Ohio, they don't have a telework policy and thus very little capability. So they won't be able easily to do regular data transfer.

Randolph L. ("Randy") Hill
Director, Enforcement Targeting and Data Division

U.S. EPA (2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-5474
(202) 564-0027 (FAX)
hill.randy@epa.gov

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From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 16, 2020 5:59 PM
To: Hill, Randy <Hill.Randy@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Subject: RE: Ohio EPA operations status - please read

Randy;

I mentioned this Susan and Larry and said I would send them draft. Susan asked why the states were asking and I said probably mix of resource limitations and that states could not do data matters working remotely. But you can clarify this when I send something to Susan tomorrow am, okay?

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Monday, March 16, 2020 5:31 PM
To: Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Subject: RE: Ohio EPA operations status - please read

What was the outcome of the OD's meeting? I would anticipate Ohio may call the RA or Susan about this very soon.

Randolph L. ("Randy") Hill
Director, Enforcement Targeting and Data Division
U.S. EPA (2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-5474
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hill.randy@epa.gov

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From: Werner, Jacqueline <Werner.Jacqueline@epa.gov>
Sent: Monday, March 16, 2020 3:47 PM
To: Hindin, David <Hindin.David@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Cc: Hill, Randy <Hill.Randy@epa.gov>; Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Subject: RE: Ohio EPA operations status - please read

OK. ☺

Jacqueline Robles Werner
Associate Director, Office of Compliance
US Environmental Protection Agency
202-564-1036

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 16, 2020 3:46 PM

To: Wallace, Jane <wallace.jane@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>

Cc: Hill, Randy <Hill.Randy@epa.gov>; Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>

Subject: RE: Ohio EPA operations status - please read

Thanks. We probably need to run this by Susan and Larry first before we send out. I could do that by email and I will mention it at the 3:30pm OD call today as heads up.

Jacqueline remind me if I forget.

From: Wallace, Jane <wallace.jane@epa.gov>

Sent: Monday, March 16, 2020 2:48 PM

To: Hindin, David <Hindin.David@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>

Cc: Hill, Randy <Hill.Randy@epa.gov>; Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>

Subject: RE: Ohio EPA operations status - please read

I neglected to include the attachment. Sorry about that

Jane Wallace
Deputy Division Director
Enforcement Targeting and Data Division
US EPA/OECA/OC
P: 202-564-4257

C: Ex. 6 Personal Privacy (PP)

From: Wallace, Jane

Sent: Friday, March 13, 2020 4:13 PM

To: Hindin, David <Hindin.David@epa.gov>; Werner, Jacqueline <Werner.Jacqueline@epa.gov>

Cc: Hill, Randy <Hill.Randy@epa.gov>; Johnston, Carey <Johnston.Carey@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Holic, Daniel <holic.daniel@epa.gov>

Subject: FW: Ohio EPA operations status - please read

David/Jacqueline – Please see the following string of emails as background for our proposed messaging. If you are OK with this language, we will respond to Region 5 and then develop something similar that we can send this out through our communication streams (Gov Delivery, Zen Desk, and other methods I am not thinking of right now).

Thanks
Jane Wallace
Deputy Division Director
Enforcement Targeting and Data Division
US EPA/OECA/OC
P: 202-564-4257

C: Ex. 6 Personal Privacy (PP)

From: Hill, Randy <Hill.Randy@epa.gov>

Sent: Friday, March 13, 2020 12:04 PM

To: Johnston, Carey <Johnston.Carey@epa.gov>

Cc: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Swift, Jason <Swift.Jason@epa.gov>; Hobus, Cindy <hobus.cindy@epa.gov>; Cannon, Rob <cannon.rob@epa.gov>; Barrette, Michael <Barrette.Michael@epa.gov>; Jacobson, David <Jacobson.David@epa.gov>; Holic, Daniel <Holic.Daniel@epa.gov>; Wallace, Jane <wallace.jane@epa.gov>
Subject: Re: Ohio EPA operations status - please read

My apologies for not remembering to post an out of office message. But I'm out today and need to **Ex. 6 Personal Privacy (PP)** in a few minutes. I just took a quick look at my email before I'm offline.

Jason, Cindy, Carey, Please work with Jane on how to respond to this. Jane, **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Randy Hill

OECA/OC/ETDD
U.S. EPA

Sent from a mobile device. Please excuse any typos, or any weird words (likely caused by overzealous auto-correction software).

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On Mar 13, 2020, at 11:30 AM, Johnston, Carey <Johnston.Carey@epa.gov> wrote:

Hello Beth –

I'll respond to you, Randy, and Jason as Randy needs to weigh in for the Division. I am also cc:'ing Cindy, Rob, Dan H., and David J. (ICIS-NPDES Product Owner).

Ex. 5 Deliberative Process (DP)

<image001.jpg>

Region 2 (PR) and USVI turned off compliance tracking in the aftermath of Hurricane Maria so that EPA's national data system (ICIS-NPDES) didn't automatically flag facilities for noncompliance (e.g., DMR non-receipt).

<image005.jpg>

<image007.jpg>

Ex. 5 Deliberative Process (DP)

Carey A. Johnston, P.E.
U.S. EPA, Office of Compliance
ph: 202-566-1014
johnston.carey@epa.gov

From: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>
Sent: Friday, March 13, 2020 11:10 AM
To: Swift, Jason <Swift.Jason@epa.gov>; Johnston, Carey <Johnston.Carey@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>
Cc: Palmer, Daniel <Palmer.Daniel@epa.gov>; Beese, Jennifer <beese.jennifer@epa.gov>; Bahr, Ryan <bahr.ryan@epa.gov>; Smith, Molly <Smith.Molly@epa.gov>; Maraldo, Dean <Maraldo.Dean@epa.gov>
Subject: FW: Ohio EPA operations status - please read

Randy, Jason, Carey –

See below from Ohio re: COVID-19-related work stoppages affecting ICIS uploads. Have we heard anything along these lines from other states?

Beth

Beth Ragnauth

U.S. EPA
Office of Compliance, National Planning and Measures Branch
(202) 564-3161
ragnauth.elizabeth@epa.gov

From: Beese, Jennifer <beese.jennifer@epa.gov>
Sent: Friday, March 13, 2020 11:01 AM
To: Ragnauth, Elizabeth <Ragnauth.Elizabeth@epa.gov>; Palmer, Daniel <Palmer.Daniel@epa.gov>
Cc: Bahr, Ryan <bahr.ryan@epa.gov>; Smith, Molly <Smith.Molly@epa.gov>; Maraldo, Dean <Maraldo.Dean@epa.gov>
Subject: Ohio EPA operations status - please read

I am not sure who else to share this with so please share with others if needed. Let me know who I should reach out to in HQ for guidance, if not you. I suspect other states may be dealing with this issue as well.

My colleague Bill Palmer from OEPA indicated in an email below that effective Monday, state employees are not going to work, as part of the state's coronavirus prevention response.

They want to know if ICIS upload requirements can be waived at this time – i.e., what are they legally required to do?

From: William.Palmer@epa.ohio.gov <William.Palmer@epa.ohio.gov>

Sent: Friday, March 13, 2020 9:45 AM

To: Beese, Jennifer <beese.jennifer@epa.gov>

Subject: RE: What's the news on state agency closings ? are you going to keep working?

We are not allowed to come to work starting Monday for an unknown amount of time.

Important question: Can we get a waiver from USEPA about the ICIS uploads. What are legally required to do? I need to get this to the Director so she can report this to the Governor.

We do the eDMRs weekly and permits, letters, NOV's etc. on a monthly basis and will not be able to complete this task.

A quick response would be much appreciated.

From: Beese, Jennifer <beese.jennifer@epa.gov>

Sent: Friday, March 13, 2020 10:17 AM

To: Palmer, William <William.Palmer@epa.ohio.gov>

Subject: What's the news on state agency closings ? are you going to keep working?

Jennifer H. Beese
Enforcement and Compliance Assurance Division
U.S. EPA Region 5
(312) 353-2975

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To: Knopes, Christopher[Knopes.Christopher@epa.gov]
From: Hindin, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D1D8A22DEDC4F2AA58C01FCD00BFEC0-DHINDI02]
Sent: Wed 3/25/2020 6:11:22 PM (UTC)
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Hopefully this does it.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 12:58 PM
To: Hindin, David <Hindin.David@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Done

From: Hindin, David <Hindin.David@epa.gov>
Sent: Wednesday, March 25, 2020 12:58 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Karin is correct that

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 25, 2020 12:48 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Susan —

Ex. 5 Deliberative Process (DP)

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell:

Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 12:35 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>

Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

OK David?

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Wednesday, March 25, 2020 12:26 PM

To: Cole, Joseph E. <cole.josephe@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Susan, per your call yesterday, I failed to forward this on to you and Joe Cole just reminded me.....I'm so sorry for not sending yesterday. Ed Messina took a look for our program.

Ex. 5 Deliberative Process (DP)

To: Knopes, Christopher[Knopes.Christopher@epa.gov]
From: Hindin, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D1D8A22DEDC4F2AA58C01FCD00BFEC0-DHINDI02]
Sent: Wed 3/25/2020 5:12:41 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Done.

From: Knopes, Christopher <Knopes.Christopher@epa.gov>
Sent: Wednesday, March 25, 2020 1:10 PM
To: Hindin, David <Hindin.David@epa.gov>
Subject: Re: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Sorry missed your note. Went to grab a bite. At my desk now.

Chris Knopes
Director, Planning, Measures, and Oversight
Office of Compliance, OECA
202-564-2337

On Mar 25, 2020, at 12:40 PM, Hindin, David <Hindin.David@epa.gov> wrote:

Call again.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 12:35 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

OK

David?

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Sent: Wednesday, March 25, 2020 12:26 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

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Ex. 5 Deliberative Process (DP)

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To: Koslow, Karin[Koslow.Karin@epa.gov]
From: Hindin, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7D1D8A22DEDC4F2AA58C01FCD00BFEC0-DHINDI02]
Sent: Wed 3/25/2020 4:49:34 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

See my edit as the question was broader **Ex. 5 Deliberative Process (DP)**

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 25, 2020 12:48 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Susan **Ex. 5 Deliberative Process (DP)**

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 12:35 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP) OK David?

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Wednesday, March 25, 2020 12:26 PM
To: Cole, Joseph E. <cole.josephe@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Holmes.Carol@epa.gov[Holmes.Carol@epa.gov]
Sent: Mon 3/2/2020 1:33:31 AM (UTC)
Subject: Fwd: PR Industry request for No Action Assurance
2020-03-01 Draft NAA re Industry Generators - Gov.DNER.health basis (clean).docx
ATT00001.htm
2020-03-01 Draft NAA re Industry Generators - Gov.DNER.health basis.docx
ATT00002.htm

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-8709

Begin forwarded message:

From: "Brooks, Phillip" <Brooks.Phillip@epa.gov>
Date: March 1, 2020 at 9:41:07 AM EST
To: "Froikin, Sara" <Froikin.Sara@epa.gov>, "Villatora, Liliana" <Villatora.Liliana@epa.gov>, "Fried, Gregory" <Fried.Gregory@epa.gov>, "Holmes, Carol" <Holmes.Carol@epa.gov>, "McHale, Mary" <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review.	Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)	

Sent from my iPhone

To: King, Carol [King.Carol@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Bair, Rita [bair.rita@epa.gov]; Bergman, Ronald [Bergman.Ronald@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Brignoni, Rosa [Brignoni.Rosa@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Campbell, Rich [Campbell.Rich@epa.gov]; Clark, Jacqueline [clark.jacqueline@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Donahue, Lisa [Donahue.Lisa@epa.gov]; Downing, Jane [Downing.Jane@epa.gov]; Driskell, Amanda [Driskell.Amanda@epa.gov]; Evans-Walker, Daria [evans-walker.daria@epa.gov]; Glowacki, Joanna [glowacki.joanna@epa.gov]; Harmon, Kenneth [Harmon.Kenneth@epa.gov]; Hecht, Hillary [Hecht.Hillary@epa.gov]; Wittenberg, Olive [Wittenberg.Olive@epa.gov]; Hollimon, Shelia [Hollimon.Shelia@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Kahn, Lisa [Kahn.Lisa@epa.gov]; Keith, Elinor [Keith.Elinor@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]; Lagunas, Frank [lagunas.frank@epa.gov]; Lee, Bessie [Lee.Bessie@epa.gov]; Lester, Miriam [Lester.Miriam@epa.gov]; Li, Corine [Li.Corine@epa.gov]; Livingston, Peggy [Livingston.Peggy@epa.gov]; Marquess, Scott [Marquess.Scott@epa.gov]; Mathews, Namon [Mathews.Namon@epa.gov]; McCaffrey, Shawn [McCaffrey.Shawn@epa.gov]; McGuire, Karen [McGuire.Karen@epa.gov]; Meadows, Anthony [Meadows.Anthony@epa.gov]; Meredith, David [Meredith.David@epa.gov]; Minter, Jill [Minter.Jill@epa.gov]; Murphy, Thomas [murphy.thomas@epa.gov]; Palagian, Evangelia [Palagian.Evangelia@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Porter, Andrea [porter.andrea@epa.gov]; Poy, Thomas [poy.thomas@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Pringle, Everett [Pringle.Everett@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]; Rogers, Harold [Rogers.Harold@epa.gov]; Roland, Kevin [Roland.Kevin@epa.gov]; Rota, Ken [rota.ken@epa.gov]; Shoven, Heather [shoven.heather@epa.gov]; Sinon, Kara [Sinon.Kara@epa.gov]; Smith, Brian [Smith.Brian@epa.gov]; Taheri, Mehdi [taheri.mehdi@epa.gov]; Thurmon, Clarke [Thurmon.Clarke@epa.gov]; Vinciguerra, Amy [Vinciguerra.Amy@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Winiecki, Eric [Winiecki.Eric@epa.gov]; Wormbly, Dorothy [wormbly.dorothy@epa.gov]; Shareem, Jelani [SHAREEM.JELANI@EPA.GOV]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Chen, Christopher [CHEN.CHRISTOPHER@EPA.GOV]; Segall, Martha [Segall.Martha@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Rice, Cassandra [rice.cassandra@epa.gov]; Yen, Anna [Yen.Anna@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Branning, Hannah [Branning.Hannah@epa.gov]; Harris, Jamie S. [Harris.Jamie@epa.gov]; Gambatese, Jason [Gambatese.Jason@epa.gov]; Hall, Chelo [Hall.Chelo@epa.gov]; Deason, Ken [Deason.Ken@epa.gov]; Baron, Adam [Baron.Adam@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Bearley, Mia [Bearley.Mia@epa.gov]; Manheimer, Jenna [Manheimer.Jennifer@epa.gov]; Campbell-Dunbar, Shawneille [Campbell-Dunbar.Shawneille@epa.gov]; Shelton, Anthony [Shelton.Anthony@epa.gov]; Sessoms-Midgett, Stephanie [Sessoms-Midgett.Stephanie@epa.gov]; Moriarty, Edward [Moriarty.EdwardJ@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Brune, Doug [Brune.Doug@epa.gov]; Cohen, Amy [Cohen.Amy@epa.gov]; Albright, David [Albright.David@epa.gov]; Peterson, David [Peterson.David@epa.gov]; Finn, Michael [Finn.Michael@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Chow, James [chow.james@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Contreras, Peter [Contreras.Peter@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Taveras, Raquel [Taveras.Raquel@epa.gov]; Collins, Charlie [collins.charlie@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; Watanabe, Allison [Watanabe.Allison@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Wilson, Jennifer [wilson.jenniferA@epa.gov]; Chavez, Araceli [Chavez.Araceli@epa.gov]; Cantor, Tiffany [Cantor.Tiffany@epa.gov]; Carroll, Christina [carroll.christina@epa.gov]; Reynolds, Lori [Reynolds.Lori@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Knopes, Christopher [Knopes.Christopher@epa.gov]; Speir, Jeffrey [speir.jeffrey@epa.gov]; Russell, Sam [Russell.Sam@epa.gov]; Davis, CatherineM [Davis.CatherineM@epa.gov]; Bush, William [Bush.William@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Baptista, Chrisna [Baptista.Chrisna@epa.gov]; Maldonado, Cristina [Maldonado.Cristina@epa.gov]; Geliga, Jaime [Geliga.Jaime@epa.gov]; Ho, Karly [ho.karly@epa.gov]; Denawa, Mai [Denawa.Mai@epa.gov]; Wagner, Michael [wagner.michael@epa.gov]; Darman, Leslie [Darman.Leslie@epa.gov]; Talbot, Kristine [Talbot.Kristine@epa.gov]; Moore, Jessica [Moore.Jessica@epa.gov]; Carballal-Broome, Christina [Carballal-Broome.Christina@epa.gov]; Stopper, Nathan [stopper.nathan@epa.gov]; Johnson, Patrick [johnson.patrick@epa.gov]; Parker, David [Parker.David@epa.gov]; Vanlerberghe, Daren [Vanlerberghe.Daren@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Jones, Curry [jones.curry@epa.gov]; StClair, Kyle [StClair.Kyle@epa.gov]; Eller, Michael [Eller.Michael@epa.gov]; Castelli, Matthew [castelli.matthew@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Castillo, Jairo [Castillo.Jairo@epa.gov]; Hicks, Nathaniel [Hicks.Nathaniel@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Greenwald, Kathryn [Greenwald.Kathryn@epa.gov]; Kuefler, Patrick [kuefler.patrick@epa.gov]; Freyre, Dominique

[freyre.dominique@epa.gov]; Barrette, Michael [Barrette.Michael@epa.gov]; Couture, Samantha [couture.samantha@epa.gov]; Schulman, Andrew [Schulman.Andrew@epa.gov]; Rausch, Heidi [Rausch.Heidi@epa.gov]; Adamiec, James [Adamiec.James@epa.gov]; Bruno, Jodi [Bruno.Jodi@epa.gov]; Rathbone, Colleen [Rathbone.Colleen@epa.gov]; Elverson, Caitlin [elverson.caitlin@epa.gov]; Saporita, Chris [Saporita.Chris@epa.gov]

CC: Andrew Sallach [Sallach.Andrew@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Magnuson, Janet [Magnuson.Janet@epa.gov]; Sallach, Andrew [Sallach.Andrew@epa.gov]; Rapicavoli, Emmanuelle [Rapicavoli.Emmanuelle@epa.gov]; Tsai, Yun-Jui [Tsai.Yun-Jui@epa.gov]; Jenzen, Jacob [Jenzen.Jacob@epa.gov]; Muehlberger, Christopher [muehlberger.christopher@epa.gov]; Tipton, Lantz [tipton.lantz@epa.gov]; Harris, Bryant [harris.bryant@epa.gov]; Tarquinio, Ellen [Tarquinio.Ellen@epa.gov]; Viveiros, Edward [Viveiros.Edward@epa.gov]; Ireland, Laurie [Ireland.Laurie@epa.gov]; BERMAN, TESSA [Berman.Tessa@epa.gov]; Hogan, James [hogan.james@epa.gov]; Bradbury, Sarah [bradbury.sarah@epa.gov]; Pratt, David [Pratt.David@epa.gov]; Anderson, Arlene [Anderson.Arlene@epa.gov]; Richard Elliott [Elliott.Richard@epa.gov] [Elliott.Richard@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; Albert, Ryan [Albert.Ryan@epa.gov]; Morrison, Kendra [Morrison.Kendra@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Elder-Schweers, Pam [elder-schweers.pam@epa.gov]; Engelman, Alexa [ENGELMAN.ALEXA@EPA.GOV]; Duvil, Ricardi [duvil.ricardi@epa.gov]; Latino, Steven [latino.steven@epa.gov]; Murphy, Elizabeth [Murphy.Elizabeth@epa.gov]; Moody, Jonathan [moody.jonathan@epa.gov]; Peachey, Robert [peachey.robert@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]; Breedlove, Dan [Breedlove.Dan@epa.gov]; Young, Craig [Young.Craig@epa.gov]; Elizabeth Walsh (Walsh.Elizabeth@epa.gov) [Walsh.Elizabeth@epa.gov]; Girouard, Taylor [Girouard.Taylor@epa.gov]; Klinger, Adam [Klinger.Adam@epa.gov]; Riley, Pamela [Riley.Pamela@epa.gov]; Smith, Kira [Smith.Kira@epa.gov]; Quinones, Rebecca [quinones.rebecca@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]; D'Alfonso, Brian [dalfonso.brian@epa.gov]; Paradise, Laura [Paradise.Laura@epa.gov]; Robinson, Tierra [Robinson.Tierra@epa.gov]; Dean, Jill [Dean.Jill@epa.gov]; Spalt, Nicholas [Spalt.Nicholas@epa.gov]; Maraldo, Dean [Maraldo.Dean@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]; Mikalian, Charles [mikalian.charles@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]

Subject: Tuesday 3/17/20 SDWA PWS Compliance & Enforcement Managers' Call

Start: 3/17/2020 4:00:00 PM

End: 3/17/2020 5:30:00 PM

Show Time As: Busy

Recurrence: (none)
the third Tuesday of every 1 month from 12:00 PM to 1:30 PM

Conference phone number:

Conference ID:

Ex. 6 Personal Privacy (PP)

Agenda:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: Jones, Curry [jones.curry@epa.gov]; Parker, David [Parker.David@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Bair, Rita [bair.rita@epa.gov]; Bergman, Ronald [Bergman.Ronald@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Brignoni, Rosa [Brignoni.Rosa@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Campbell, Rich [Campbell.Rich@epa.gov]; Clark, Jacqueline [clark.jacqueline@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Donahue, Lisa [Donahue.Lisa@epa.gov]; Downing, Jane [Downing.Jane@epa.gov]; Driskell, Amanda [Driskell.Amanda@epa.gov]; Evans-Walker, Daria [evans-walker.daria@epa.gov]; Glowacki, Joanna [glowacki.joanna@epa.gov]; Harmon, Kenneth [Harmon.Kenneth@epa.gov]; Hecht, Hillary [Hecht.Hillary@epa.gov]; Wittenberg, Olive [Wittenberg.Olive@epa.gov]; Hollimon, Shelia [Hollimon.Shelia@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Keith, Elinor [Keith.Elinor@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]; Lee, Bessie [Lee.Bessie@epa.gov]; Lester, Miriam [Lester.Miriam@epa.gov]; Li, Corine [Li.Corine@epa.gov]; Livingston, Peggy [Livingston.Peggy@epa.gov]; Marquess, Scott [Marquess.Scott@epa.gov]; Mathews, Namon [Mathews.Namon@epa.gov]; McGuire, Karen [Mcguire.Karen@epa.gov]; Meadows, Anthony [Meadows.Anthony@epa.gov]; Meredith, David [Meredith.David@epa.gov]; Minter, Jill [Minter.Jill@epa.gov]; Murphy, Thomas [murphy.thomas@epa.gov]; Palagian, Evangelia [Palagian.Evangelia@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Porter, Andrea [porter.andrea@epa.gov]; Poy, Thomas [poy.thomas@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Pringle, Everett [Pringle.Everett@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]; Rogers, Harold [Rogers.Harold@epa.gov]; Roland, Kevin [Roland.Kevin@epa.gov]; Rota, Ken [rota.ken@epa.gov]; Shoven, Heather [shoven.heather@epa.gov]; Sinon, Kara [Sinon.Kara@epa.gov]; Smith, Brian [Smith.Brian@epa.gov]; Taheri, Mehdi [taheri.mehdi@epa.gov]; Thurmon, Clarke [Thurmon.Clarke@epa.gov]; Vinciguerra, Amy [Vinciguerra.Amy@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Winiecki, Eric [Winiecki.Eric@epa.gov]; Wormbly, Dorothy [wormbly.dorothy@epa.gov]; Shareem, Jelani [SHAREEM.JELANI@EPA.GOV]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Chen, Christopher [CHEN.CHRISTOPHER@EPA.GOV]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Rice, Cassandra [rice.cassandra@epa.gov]; Yen, Anna [Yen.Anna@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Branning, Hannah [Branning.Hannah@epa.gov]; Harris, Jamie S. 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Subject: 4/21/20 SDWA PWS Compliance & Enforcement Managers' Call (agenda added)

Attachments: Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program (March 26, 2020).pdf; FW: ENFORCEMENT SENSITIVE DO NOT FORWARD OUTSIDE EPA - Revised COVID-19 Interim Guidelines for Inspections

Location: Ex. 6 Personal Privacy (PP)

Start: 4/21/2020 4:00:00 PM

End: 4/21/2020 5:30:00 PM

Show Time As: Busy

Recurrence: (none)

Conference phone number:
Conference ID:

Ex. 6 Personal Privacy (PP)

Agenda:

Ex. 5 Deliberative Process (DP)

To: King, Carol [King.Carol@epa.gov]; Saporita, Chris [Saporita.Chris@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Bair, Rita [bair.rita@epa.gov]; Bergman, Ronald [Bergman.Ronald@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Brignoni, Rosa [Brignoni.Rosa@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Campbell, Rich [Campbell.Rich@epa.gov]; Clark, Jacqueline [clark.jacqueline@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Donahue, Lisa [Donahue.Lisa@epa.gov]; Downing, Jane [Downing.Jane@epa.gov]; Driskell, Amanda [Driskell.Amanda@epa.gov]; Evans-Walker, Daria [evans-walker.daria@epa.gov]; Glowacki, Joanna [glowacki.joanna@epa.gov]; Harmon, Kenneth [Harmon.Kenneth@epa.gov]; Hecht, Hillary [Hecht.Hillary@epa.gov]; Wittenberg, Olive [Wittenberg.Olive@epa.gov]; Hollimon, Shelia [Hollimon.Shelia@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Kahn, Lisa [Kahn.Lisa@epa.gov]; Keith, Elinor [Keith.Elinor@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]; Lagunas, Frank [lagunas.frank@epa.gov]; Lee, Bessie [Lee.Bessie@epa.gov]; Lester, Miriam [Lester.Miriam@epa.gov]; Li, Corine [Li.Corine@epa.gov]; Livingston, Peggy [Livingston.Peggy@epa.gov]; Marquess, Scott [Marquess.Scott@epa.gov]; Mathews, Namon [Mathews.Namon@epa.gov]; McCaffrey, Shawn [McCaffrey.Shawn@epa.gov]; McGuire, Karen [McGuire.Karen@epa.gov]; Meadows, Anthony [Meadows.Anthony@epa.gov]; Meredith, David [Meredith.David@epa.gov]; Minter, Jill [Minter.Jill@epa.gov]; Murphy, Thomas [murphy.thomas@epa.gov]; Palagian, Evangelia [Palagian.Evangelia@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Porter, Andrea [porter.andrea@epa.gov]; Poy, Thomas [poy.thomas@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Pringle, Everett [Pringle.Everett@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]; Rogers, Harold [Rogers.Harold@epa.gov]; Roland, Kevin [Roland.Kevin@epa.gov]; Rota, Ken [rota.ken@epa.gov]; Shoven, Heather [shoven.heather@epa.gov]; Sinon, Kara [Sinon.Kara@epa.gov]; Smith, Brian [Smith.Brian@epa.gov]; Taheri, Mehdi [taheri.mehdi@epa.gov]; Thurmon, Clarke [Thurmon.Clarke@epa.gov]; Vinciguerra, Amy [Vinciguerra.Amy@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Winiecki, Eric [Winiecki.Eric@epa.gov]; Wormbly, Dorothy [wormbly.dorothy@epa.gov]; Shareem, Jelani [SHAREEM.JELANI@EPA.GOV]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Chen, Christopher [CHEN.CHRISTOPHER@EPA.GOV]; Segall, Martha [Segall.Martha@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Rice, Cassandra [rice.cassandra@epa.gov]; Yen, Anna [Yen.Anna@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Branning, Hannah [Branning.Hannah@epa.gov]; Harris, Jamie S. [Harris.Jamie@epa.gov]; Gambatese, Jason [Gambatese.Jason@epa.gov]; Hall, Chelo [Hall.Chelo@epa.gov]; Deason, Ken [Deason.Ken@epa.gov]; Baron, Adam [Baron.Adam@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Bearley, Mia [Bearley.Mia@epa.gov]; Manheimer, Jenna [Manheimer.Jennifer@epa.gov]; Campbell-Dunbar, Shawneille [Campbell-Dunbar.Shawneille@epa.gov]; Shelton, Anthony [Shelton.Anthony@epa.gov]; Sessoms-Midgett, Stephanie [Sessoms-Midgett.Stephanie@epa.gov]; Moriarty, Edward [Moriarty.Edward@epa.gov]; Fergusson, Bruce [Fergusson.Bruce@epa.gov]; Brune, Doug [Brune.Doug@epa.gov]; Cohen, Amy [Cohen.Amy@epa.gov]; Albright, David [Albright.David@epa.gov]; Peterson, David [Peterson.David@epa.gov]; Finn, Michael [Finn.Michael@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Chow, James [chow.james@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Contreras, Peter [Contreras.Peter@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Taveras, Raquel [Taveras.Raquel@epa.gov]; Collins, Charlie [collins.charlie@epa.gov]; Wilson, Dane [Wilson.Dane@epa.gov]; Dain, Gregory [Dain.Greg@epa.gov]; Watanabe, Allison [Watanabe.Allison@epa.gov]; Azad, Ava [Azad.Ava@epa.gov]; Wilson, Jennifer [wilson.jenniferA@epa.gov]; Chavez, Araceli [Chavez.Araceli@epa.gov]; Cantor, Tiffany [Cantor.Tiffany@epa.gov]; Carroll, Christina [carroll.christina@epa.gov]; Reynolds, Lori [Reynolds.Lori@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Knopes, Christopher [Knopes.Christopher@epa.gov]; Speir, Jeffrey [speir.jeffrey@epa.gov]; Russell, Sam [Russell.Sam@epa.gov]; Davis, CatherineM [Davis.CatherineM@epa.gov]; Bush, William [Bush.William@epa.gov]; Buterbaugh, Kristin [Buterbaugh.Kristin@epa.gov]; Baptista, Chrisna [Baptista.Chrisna@epa.gov]; Maldonado, Cristina [Maldonado.Cristina@epa.gov]; Geliga, Jaime [Geliga.Jaime@epa.gov]; Ho, Karly [ho.karly@epa.gov]; Denawa, Mai [Denawa.Mai@epa.gov]; Wagner, Michael [wagner.michael@epa.gov]; Darman, Leslie [Darman.Leslie@epa.gov]; Talbot, Kristine [Talbot.Kristine@epa.gov]; Moore, Jessica [Moore.Jessica@epa.gov]; Carballal-Broome, Christina [Carballal-Broome.Christina@epa.gov]; Stopper, Nathan [stopper.nathan@epa.gov]; Johnson, Patrick [johnson.patrick@epa.gov]; Parker, David [Parker.David@epa.gov]; Vanlerberghe, Daren [Vanlerberghe.Daren@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Jones, Curry [jones.curry@epa.gov]; StClair, Kyle [StClair.Kyle@epa.gov]; Eller, Michael [Eller.Michael@epa.gov]; Castelli, Matthew [castelli.matthew@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Castillo, Jairo [Castillo.Jairo@epa.gov]; Hicks, Nathaniel [Hicks.Nathaniel@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Porter, Amy [Porter.Amy@epa.gov];

Greenwald, Kathryn [Greenwald.Kathryn@epa.gov]; Kuefler, Patrick [kuefler.patrick@epa.gov]; Freyre, Dominique [freyre.dominique@epa.gov]; Barrette, Michael [Barrette.Michael@epa.gov]; Couture, Samantha [couture.samantha@epa.gov]; Schulman, Andrew [Schulman.Andrew@epa.gov]; Rausch, Heidi [Rausch.Heidi@epa.gov]; Adamiec, James [Adamiec.James@epa.gov]; Bruno, Jodi [Bruno.Jodi@epa.gov]; Rathbone, Colleen [Rathbone.Colleen@epa.gov]; Elverson, Caitlin [elverson.caitlin@epa.gov]

CC: Murphy, Elizabeth [Murphy.Elizabeth@epa.gov]; Munoz, Maureen [Munoz.Maureen@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Magnuson, Janet [Magnuson.Janet@epa.gov]; Sallach, Andrew [Sallach.Andrew@epa.gov]; Rapicavoli, Emmanuelle [Rapicavoli.Emmanuelle@epa.gov]; Tsai, Yun-Jui [Tsai.Yun-Jui@epa.gov]; Jenzen, Jacob [Jenzen.Jacob@epa.gov]; Muehlberger, Christopher [muehlberger.christopher@epa.gov]; Tipton, Lantz [tipton.lantz@epa.gov]; Harris, Bryant [harris.bryant@epa.gov]; Tarquinio, Ellen [Tarquinio.Ellen@epa.gov]; Viveiros, Edward [Viveiros.Edward@epa.gov]; Ireland, Laurie [Ireland.Laurie@epa.gov]; BERMAN, TESSA [Berman.Tessa@epa.gov]; Hogan, James [hogan.james@epa.gov]; Bradbury, Sarah [bradbury.sarah@epa.gov]; Pratt, David [Pratt.David@epa.gov]; Anderson, Arlene [Anderson.Arlene@epa.gov]; Richard Elliott (Elliott.Richard@epa.gov) [Elliott.Richard@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; Albert, Ryan [Albert.Ryan@epa.gov]; Morrison, Kendra [Morrison.Kendra@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Elder-Schweers, Pam [elder-schweers.pam@epa.gov]; Engelman, Alexa [ENGELMAN.ALEXA@EPA.GOV]; Duvil, Ricardi [duvil.ricardi@epa.gov]; Latino, Steven [latino.steven@epa.gov]; Moody, Jonathan [moody.jonathan@epa.gov]; Peachey, Robert [peachey.robert@epa.gov]; Kenknight, Jeff [Kenknight.Jeff@epa.gov]; Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]; Breedlove, Dan [Breedlove.Dan@epa.gov]; Young, Craig [Young.Craig@epa.gov]; Elizabeth Walsh (Walsh.Elizabeth@epa.gov) [Walsh.Elizabeth@epa.gov]; Girouard, Taylor [Girouard.Taylor@epa.gov]; Klinger, Adam [Klinger.Adam@epa.gov]; Riley, Pamela [Riley.Pamela@epa.gov]; Smith, Kira [Smith.Kira@epa.gov]; Quinones, Rebecca [quinones.rebecca@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]; D'Alfonso, Brian [dalfonso.brian@epa.gov]; Paradise, Laura [Paradise.Laura@epa.gov]; Robinson, Tierra [Robinson.Tierra@epa.gov]; Dean, Jill [Dean.Jill@epa.gov]; Spalt, Nicholas [Spalt.Nicholas@epa.gov]; Maraldo, Dean [Maraldo.Dean@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]; Zachman, Angela [Zachman.Angela@epa.gov]; Glazer, Thomas [glazer.thomas@epa.gov]; Garcia, Vanessa [Garcia.Vanessa@epa.gov]; Myers, Bryan [Myers.Bryan@epa.gov]; Landkrohn, Jessica [Landkrohn.Jessica@epa.gov]; McGuigan, David [McGuigan.David@epa.gov]; Brantley, Tanner [Brantley.Tanner@epa.gov]; Rothstein, Kenya [Rothstein.Kenya@epa.gov]; Durham, Audrone [Durham.Audrone@epa.gov]; Shahjanian, Tanya [Shahjanian.Tanya@epa.gov]; Baranowski, Curt [Baranowski.Curt@epa.gov]; Kosco, John [Kosco.John@epa.gov]; Anderson, Victoria [Anderson.Victoria@epa.gov]; Desmond, Kerry [Desmond.Kerry@epa.gov]; Rae, Sarah [Rae.Sarah@epa.gov]

Subject: 7/21/20 SDWA PWS Compliance & Enforcement Managers' Call (Agenda Added)

Attachments: Off-Site Compliance Monitoring Guidance - Final April 2020.pdf

Start: 7/21/2020 4:00:00 PM

End: 7/21/2020 5:30:00 PM

Recurrence: (none)

Conference phone number:

Conference ID:

Ex. 6 Personal Privacy (PP)

Agenda:

- 1.
- 2.
- 3.
- 4.

Ex. 5 Deliberative Process (DP)

5.

6.

7.

Ex. 5 Deliberative Process (DP)

8.

9.

Appointment

From: Holmes, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: 3/6/2020 11:22:29 PM
To: Holmes, Carol [Holmes.Carol@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
CC: Bahk, Benjamin [Bahk.Benjamin@epa.gov]
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community
Location: **Ex. 6 Personal Privacy (PP)**
Start: 3/9/2020 3:30:00 PM
End: 3/9/2020 4:00:00 PM
Show Time As: Busy

Just scheduling time for us to talk on Monday. Have a great weekend!

From: Miller, Amy <Miller.Amy@epa.gov>
Sent: Friday, March 6, 2020 5:25 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Magnan, Eric <Magnan.Eric@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Dear John:

Thank you for contacting me. I am available between 11-1 pm your time (8-10 am pst). It would be great to touch base then so that I can report back to the Water Division Director and DRA at our Senior Management Meeting at 10 am pst on Monday. Please send us an invite (Amy, Thanne Berg, Eric Magnan)

Regards,

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 6, 2020 1:30 PM
To: Miller, Amy <Miller.Amy@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy- following up on the emails below, we have some options for you on this issue. When is a good time for you to get together to chat on Monday? Thx!

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 06, 2020 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
Date: March 5, 2020 at 10:07:50 PM MST
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Date: March 5, 2020 at 6:32:04 PM PST
To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9

Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST

To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>;

faamao.asalele@epa.as.gov; Janet Goodfellow
<JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R.
Dismukes <SDismukes@eckertseamans.com>; David A. Rockman
(DRockman@eckertseamans.com) <DRockman@eckertseamans.com>;
Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP)

Karen Glatzel
Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan
Jewel Tuiaosopo (jewel.tuiaosopo@epa.as.gov)
<jewel.tuiaosopo@epa.as.gov>

Ex. 6 Personal Privacy (PP)

Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago
Harboe and Costal sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached
(thanks to Jewel !). This means we cannot do the receiving water
sampling in March as planned. We need to coordinate with USEPA to
determine the path forward at this point. There is no current estimate
as to how long this will be in effect.

Steve

From: Costa, Steven/BAO

Sent: Wednesday, March 4, 2020 7:19 PM

To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>;
'vauoli.elena@epa.gov' <vauoli.elena@epa.gov>

Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>;
'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet
Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R.
Dismukes <SDismukes@eckertseamans.com>; David A. Rockman
(DRockman@eckertseamans.com) <drockman@eckertseamans.com>;
'Dearness, John <John.Dearness@StarKist.com>' <John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP) Karen Glatzel
<faim@aspower.com>; Fa'i Mareko (faim@aspower.com)
<faim@aspower.com>; 'William Spitzenberg' <williams@aspower.com>;
Nimbus Environmental { **Ex. 6 Personal Privacy (PP)**

Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind
sampling in March (weeks of 16 and 23) if AS travel restrictions and the
current coronavirus issues don't preclude travel at that time. This email
message addresses three issues associated with the sampling.

[1] **Travel restrictions:**

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available. **Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation with EPA.** We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Bahk, Benjamin[Bahk.Benjamin@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Mon 3/9/2020 12:55:55 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Thx! But no need, Ben – Joe covered this on Friday.

From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Sent: Monday, March 09, 2020 8:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

I’ve asked Kathy to look into it but not sure if we’ll get any answers today. We’ll update on Monday.

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

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<http://www.epa.gov/compliance/complaints/index.html>

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 1:50 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Loren and/or Ben – can you or someone else in WED help with the questions below Ex. 5 AC/DP
Ex. 5 AC/DP Thx.

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent: Friday, March 06, 2020 12:00 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Looping in Joe since Mark is out.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 06, 2020 11:42 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>

Date: March 5, 2020 at 10:07:50 PM MST

To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>

Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Date: March 5, 2020 at 6:32:04 PM PST

To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov;
Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby <Rob.Darby@StarKist.com>; Ex. 6 Personal Privacy (PP) Karen Glatzel

Ex. 6 Personal Privacy (PP) > Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan **Ex. 6 Personal Privacy (PP)** Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !).
This means we cannot do the receiving water sampling in March as planned. We need to
coordinate with USEPA to determine the path forward at this point. There is no current
estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO
Sent: Wednesday, March 4, 2020 7:19 PM
To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>
Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey
S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness, John <John.Dearness@StarKist.com>' <John.Dearness@StarKist.com>; Rob Darby **Ex. 6 Personal Privacy (PP)** Karen Glatzel
Ex. 6 Personal Privacy (PP) Fa'i Mareko (faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental
Ex. 6 Personal Privacy (PP)
Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks
of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude
travel at that time. This email message addresses three issues associated with the
sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and
developed new (draft) travel restrictions for American Samoa. These restrictions were
presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions
are expected to be promulgated by the end of this week. The requirements include that
anyone traveling from the US mainland from a state known to have COVID-19 cases will
have to spend 14 days in Hawaii and present a health certificate three days prior to travel
in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers
with a US passport currently have no restrictions). If this new restriction is promulgated as
indicated, gdc will not be able to travel to American Samoa as planned. The duration of the
new restrictions, if implemented, is not known, and we cannot plan an alternative
sampling date until more information becomes available. **Therefore, at this time it
appears likely that the planned sampling will need to be rescheduled for a future date, or
not conducted, for the 2020 Non-tradewind season, in consultation with EPA.** We will
monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been
removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]
From: Binder, Jonathan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9BAE4ABE9B7414BA5D806B1B2CBDA64-JBINDE02]
Sent: Fri 3/27/2020 9:05:56 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please let us know if/when you get a copy so we can help with the review....
From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 4:51 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

FYI

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Johnson, Kathleen
Sent: Friday, March 27, 2020 4:50 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

OK.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I agreed Chad and I would do a joint response

From: Bodine, Susan
Sent: Friday, March 27, 2020 2:51 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Friday, March 27, 2020 2:48 PM

To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Whew, breathing again.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone: Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Shiffman, Cari <Shiffman.Cari@epa.gov>

Sent: Friday, March 27, 2020 2:48 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>

Sent: Friday, March 27, 2020 2:46 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Lesson learned that we should have bcc'd. Let me check if they work outside of the agency.

Thanks,

Cari Shiffman, Chief of Staff

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 2:42 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Looks like David did the same in his email to ECOS.
Let's figure out whether this is an issue or not (i.e. do the lists work for others?)

From: Bodine, Susan
Sent: Friday, March 27, 2020 2:40 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Friday, March 27, 2020 1:19 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600
Begin forwarded message:

From: Pinu'u Stout <pstout@sfpueblo.com>
Date: March 27, 2020 at 12:18:25 PM EDT
To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>
Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>
Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Porter, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: Tue 3/24/2020 6:19:50 PM (UTC)
Subject: RE: Next Steps - 3-24-20 version -

No sorry!

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 24, 2020 2:19 PM
To: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

Duh, sorry

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Tuesday, March 24, 2020 2:15 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

Yes I was on that email. Thanks

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 24, 2020 2:06 PM
To: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

An FYI that I sent the version to the ODs and OECA IO per Karin’s email asking me to earlier. You aren’t on that email so making sure you saw it went out and had link...

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Tuesday, March 24, 2020 2:04 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

What is this?

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 24, 2020 2:01 PM
To: Porter, Amy <Porter.Amy@epa.gov>
Subject: FW: Next Steps - 3-24-20 version -

FYI

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Holmes, Carol
Sent: Tuesday, March 24, 2020 2:01 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

Hello – attached is a revised version. Note this doesn't incorporate the comments Karin Leff just shared (sorry, emails crossing). **Ex. 5 Deliberative Process (DP)** Thanks, Carol

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 12:42 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Next Steps - 3-24-20 version -

Thanks – we'll work on revising accordingly and offer up some language to address your note below as well. Is it possible to adjust the OD agenda for today so that we spend the first 15 – 10 minutes on the memo?

-Karin

Karin Koslow

Deputy Director, Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

Desk: (202) 564-0171

Cell: **Ex. 6 Personal Privacy (PP)**

WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 12:14 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

I described the changes and he blessed them. So work with this redline.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 12:06 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan—

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 10:28 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 9:12 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Susan –

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:57 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

ED_004611E_00003637-00004

OECA COVID-19 2020
FOIAs_Production006

Sent: Tuesday, March 24, 2020 8:55 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

What would be most helpful to you at this point? Should we have a brief call to talk about how to move forward? Or do you want John and Carol to take a shot at revising, incorporating DOJ's comments, as well as some of our own?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:24 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Tuesday, March 24, 2020 8:07 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:20 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 6:17 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:07 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Attached adds minor edit regarding: **Ex. 5 Deliberative Process (DP)**

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 10:04 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 9:49 AM

To: Bodine, Susan <Ex. 6 Personal Privacy (PP)>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 2:56 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>
Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>
Sent: Sunday, March 22, 2020 1:38 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 11:32 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and **Ex. 5 Deliberative Process (DP)**

From: Bodine, Susan
Sent: Sunday, March 22, 2020 10:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan
Sent: Saturday, March 21, 2020 9:06 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan
Sent: Saturday, March 21, 2020 8:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 7:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Saturday, March 21, 2020 7:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan

ED_004611E_00003637-00009

OECA COVID-19 2020
FOIAs_Production006

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) (Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 3:09 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>

Subject: Latest version of enforcement flexibilities paper

Susan—

ED_004611E_00003637-00012

OECA COVID-19 2020
FOIAs_Production006

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Theis, Joseph[Theis.Joseph@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 3/6/2020 9:21:20 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Right-thx.

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 4:20 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 4:02 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

In an amazing quirk of timing, Joe and I actually wound up being in the same place at the same time today, and we could actually talk in person - amazing!

Ex. 5 AC/DP

Joe, does that summarize it?

From: Theis, Joseph <Theis.Joseph@epa.gov>

Sent: Friday, March 06, 2020 3:44 PM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 3:20 PM

To: Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Holmes, Carol <Holmes.Carol@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 3:07 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance

U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 2:41 PM

To: Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:36 PM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Ex. 5 AC/DP

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 6, 2020 2:33 PM

To: Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Re: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Sent from my iPhone

On Mar 6, 2020, at 2:30 PM, Theis, Joseph <Theis.Joseph@epa.gov> wrote:

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 2:15 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 2:14 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 06, 2020 1:59 PM
To: Theis, Joseph <Theis.Joseph@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Friday, March 06, 2020 1:55 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John,

Ex. 5 AC/DP

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Sent: Friday, March 06, 2020 12:52 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Fogarty, Johnpc

Sent: Friday, March 06, 2020 12:00 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Looping in Joe since Mark is out.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 06, 2020 11:42 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>

Date: March 5, 2020 at 10:07:50 PM MST

To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>

Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9
Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Date: March 5, 2020 at 6:32:04 PM PST
To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9
Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory

permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance.

Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO
<Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>;
faamao.asalele@epa.as.gov; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts <Jeff.Roberts@StarKist.com>
<Jeff.Roberts@StarKist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman <DRockman@eckertseamans.com>
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP) Karen Glatzel

Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan

Ex. 6 Personal Privacy (PP) Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov)

<jewel.tuiasosopo@epa.as.gov>

Subject: UPDATE: RE: 2020 Non-tradewind
Sampling in Pago Pago Harboe and Costal
sampling at Tafuna

Importance: High

FYI: AS DOH issued the anticipated travel advisory,
which is attached (thanks to Jewel !). This means
we cannot do the receiving water sampling in
March as planned. We need to coordinate with
USEPA to determine the path forward at this
point. There is no current estimate as to how long
this will be in effect.

Steve

From: Costa, Steven/BAO

Sent: Wednesday, March 4, 2020 7:19 PM

To: Pascal Mues (Mues.Pascal@epa.gov)
<Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>

Cc: Christianera Tuitele

<christianera.tuitele@epa.as.gov>;
'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow
<JGoodfellow@Geosyntec.com>; Jeffrey S.
Roberts (Jeff.Roberts@StarKist.com)
<jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A.
Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness,
John' <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP) Karen Glatzel

; Fa'i Mareko
(faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>;

Nimbus Environmental **Ex. 6 Personal Privacy (PP)**

Subject: 2020 Non-tradewind Sampling in Pago
Pago Harboe and Costal sampling at Tafuna

Importance: High

Please distribute this messages to others as
appropriate.

We are in the process of preparing for the 2020
Non-tradewind sampling in March (weeks of 16
and 23) if AS travel restrictions and the current
coronavirus issues don't preclude travel at that
time. This email message addresses three issues
associated with the sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available.

Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation with EPA. We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Villatora, Liliana[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: Fri 3/13/2020 7:50:44 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thank you

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 3:31 PM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – your version and Sara’s crossed, so I tried to make the changes Sara had made in your version, but not sure I caught them all (and she is out the rest of today). Given that it is 4:30 in PR (right?), should we just wait until Monday morning to send to DENR? I totally get the desire to get this done, but I

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 2:40 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol
Sent: Friday, March 13, 2020 12:51 PM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – sorry, but this is very frustrating since conversations with Susan are happening and calls are scheduled when I am not available. What, again, is the rush to get this done today?

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 12:32 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol
Sent: Friday, March 13, 2020 11:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Sara –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Froikin, Sara <Froikin.Sara@epa.gov>
Sent: Friday, March 13, 2020 11:03 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Hi Carol,

Ex. 5 Deliberative Process (DP)

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 10:56 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – again, I’m sorry I’ve missed some recent calls and thus still have questions concerns. I saw in Sara’s notes (thanks!)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 10:02 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana's in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>

Sent: Sunday, March 1, 2020 9:41:05 AM

To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Froikin, Sara[Froikin.Sara@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
From: Brooks, Phillip[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E89130D467DF414390F076286D938815-BROOKS, PHILLIP]
Sent: Sun 3/1/2020 2:41:05 PM (UTC)
Subject: PR Industry request for No Action Assurance
2020-03-01 Draft NAA re Industry Generators - Gov.DNER.health basis (clean).docx
ATT00001.htm
2020-03-01 Draft NAA re Industry Generators - Gov.DNER.health basis.docx
ATT00002.htm

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Brooks, Phillip[Brooks.Phillip@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
From: Froikin, Sara[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E52FE29F223F4E869B82918294900D8F-FROIKIN, SARA]
Sent: Fri 3/13/2020 2:55:19 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance (Pharma)
2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis 3.13.20 sf.docx

Thanks, Phill. Some light redline from me, and a few margin comments for clarification.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 10:02 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana’s in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review:

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Froikin, Sara[Froikin.Sara@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
From: Brooks, Phillip[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E89130D467DF414390F076286D938815-BROOKS, PHILLIP]
Sent: Fri 3/13/2020 2:02:17 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance (Pharma)
2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis 3.13.20.docx

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana’s in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Bahk, Benjamin[Bahk.Benjamin@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Fri 3/6/2020 6:50:19 PM (UTC)
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community March 2020 American Samoa Travel Advisory.docx

Loren and/or Ben – can you or someone else in WED help with the questions below: Ex. 5 AC/DP
Ex. 5 AC/DP Thx.

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:52 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

From: Fogarty, Johnpc
Sent: Friday, March 06, 2020 12:00 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Ex. 5 AC/DP

Looping in Joe since Mark is out.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 06, 2020 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie
Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
Date: March 5, 2020 at 10:07:50 PM MST
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>

Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Date: March 5, 2020 at 6:32:04 PM PST

To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>

Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan

Deputy Regional Administrator

U.S. EPA Region 9

Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>

Date: March 5, 2020 at 5:45:32 PM PST

To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>

Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance.

Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which

conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov;
Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<DRockman@eckertseamans.com>; Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby [Ex. 6 Personal Privacy (PP)]; Karen Glatzel
[Ex. 6 Personal Privacy (PP)]; Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan [Ex. 6 Personal Privacy (PP)]; Jewel Tuiasosopo
(jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !).
This means we cannot do the receiving water sampling in March as planned. We need to
coordinate with USEPA to determine the path forward at this point. There is no current
estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO
Sent: Wednesday, March 4, 2020 7:19 PM
To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>; 'vauoli.elena@epa.gov'
<vauoli.elena@epa.gov>
Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov'
<faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey
S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes
<SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com)
<drockman@eckertseamans.com>; 'Dearness, John <John.Dearness@StarKist.com>'<
<John.Dearness@StarKist.com>; Rob Darby [Ex. 6 Personal Privacy (PP)]; Karen Glatzel
[Ex. 6 Personal Privacy (PP)]; Fa'i Mareko (faim@aspower.com) <faim@aspower.com>;
'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental
[Ex. 6 Personal Privacy (PP)]
Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks

of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude travel at that time. This email message addresses three issues associated with the sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available. **Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation with EPA.** We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Porter, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: Wed 3/25/2020 3:37:02 PM (UTC)
Subject: RE: Morning version-my reaction

Oh, yeah, I bet.

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Wednesday, March 25, 2020 11:36 AM
To: Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction

Yes – the wifi calling is not worth it...doesn't work well. Breaks up with wifi, so turning that off.

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Wednesday, March 25, 2020 11:32 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Morning version-my reaction

Are you in now?

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Wednesday, March 25, 2020 11:31 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction

All circuits are busy....sigh

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 25, 2020 11:29 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction

Yes – oce focus

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Wednesday, March 25, 2020 11:03 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction

Saw the 11:30 with Susan – you wanted it ot be just OCE and Susan? Not the rest of the ODs? Just checking... Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 25, 2020 10:20 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction

Yes – we'll schedule a pre mt

Yes – focus on substance

PS

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Wednesday, March 25, 2020 10:09 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction

I can be free at 11:30 – but do we chickens need to talk beforehand to decide which issues we are going to raise? You’ve had more conversations with Susan on this, so know better what issues are already hashed to death, and which are still open for discussion.

Also, at this point I’m presuming somebody in the OECA IO is going to spec for typos/punctuation etc. So I was going to focus only on revisions per my list below.

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 25, 2020 10:05 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Morning version-my reaction
Importance: High

Great job with the quick reading and listing of issues.

Based on Susan’s calendar, we’re going to suggest a call with her at 11:30 to discuss final issues.

Does that give you enough time to read through and be able to help explain why certain targeted changes are needed? Ideally we’d at least share our high priority list in advance with each other by 11:15.

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, March 25, 2020 10:01 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Morning version-my reaction

Ok- still having access issues. Still not sure that needs to be said

Sent from my iPhone

On Mar 25, 2020, at 9:59 AM, Holmes, Carol <Holmes.Carol@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, March 25, 2020 9:59 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Morning version-my reaction

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Ex. 5 Deliberative Process (DP)

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 9:23 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence

<Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: Morning version-

Not a redline. I highlighted the more substantive changes from last night's version.

Most importantly,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 6:07 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: end of day version - enf flexibility - 3-24-20 version -

All – you should be able to click on the document link that Carol sent in the 2:01 email below and see the changes made based on our discussion this afternoon. You will know by seeing a new title for the document

DRAFT DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID-19 Interim Enforcement Policy (3/24)

Please let me know if you cannot see the updated version. It also includes language from OCSPP that Alex has signed off on.

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Tuesday, March 24, 2020 2:01 PM

To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Next Steps - 3-24-20 version -

Hello – attached is a revised version. Note this doesn't incorporate the comments
Karin Leff just shared (sorry, emails crossing).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thanks, Carol

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 12:42 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Next Steps - 3-24-20 version -

Thanks – we'll work on revising accordingly and offer up some language to address your note below as well. Is it possible to adjust the OD agenda for today so that we spend the first 15 – 10 minutes on the memo?

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 12:14 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnett, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

I described the changes and he blessed them. So work with this redline. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 12:06 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnett, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan—

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 10:28 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnett, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 9:12 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnett, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan —

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:57 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 8:55 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

What would be most helpful to you at this point? Should we have a brief call to talk about how to move forward? Or do you want John and Carol to take a shot at revising, incorporating DOJ's comments, as well as some of our own?

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:24 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Tuesday, March 24, 2020 8:07 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:20 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 6:17 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:07 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Monday, March 23, 2020 6:03 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Monday, March 23, 2020 10:15 AM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

Attached adds minor edit regarding **Ex. 5 Deliberative Process (DP)**

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 23, 2020 10:04 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Monday, March 23, 2020 9:49 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 2:56 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>
Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>
Sent: Sunday, March 22, 2020 1:38 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 11:32 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan
Sent: Sunday, March 22, 2020 10:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin

<Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David
<Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin
<Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan

Sent: Saturday, March 21, 2020 9:06 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>;
Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria
<tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen
<Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry
<Barnet.Henry@epa.gov>

Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan

Sent: Saturday, March 21, 2020 8:56 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>;
Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria
<tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen
<Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry
<Barnet.Henry@epa.gov>

Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 7:32 PM

To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>;
Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria
<tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen
<Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry
<Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Saturday, March 21, 2020 7:02 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits.

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Office Cell)

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Saturday, March 21, 2020 4:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 2:36 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Saturday, March 21, 2020 12:41 PM
To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 3:09 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>

Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

<COVID19 Policy final draft.docx>

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Porter, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: Tue 3/24/2020 5:03:02 PM (UTC)
Subject: RE: 3-24-20 version -

So you got my latest comments and will incorporate?

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 24, 2020 12:28 PM
To: Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: 3-24-20 version -

Yes but with some minor edits I'd already made.

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Tuesday, March 24, 2020 12:27 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: FW: 3-24-20 version -

Is the attachment the one attached to Susan's 10:28am email (here?)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 10:28 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 9:12 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin

<Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan –

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:57 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 8:55 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

What would be most helpful to you at this point? Should we have a brief call to talk about how to move forward? Or do you want John and Carol to take a shot at revising, incorporating DOJ's comments, as well as some of our own?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:24 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

ED_004611E_00003706-00002

OECA COVID-19 2020
FOIAs_Production006

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 24, 2020 8:07 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:20 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 23, 2020 6:17 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:07 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Attached adds minor edit regarding: **Ex. 5 Deliberative Process (DP)**

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Office Cell

Ex. 6 Personal Privacy (PP)

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From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 10:04 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 9:49 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 2:56 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>

Sent: Sunday, March 22, 2020 1:38 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 11:32 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and **Ex. 5 Deliberative Process (DP)**

From: Bodine, Susan

Sent: Sunday, March 22, 2020 10:43 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan

Sent: Saturday, March 21, 2020 9:06 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Version 3

Forgot to move the edisclosure language. Look at this version.

From: Bodine, Susan
Sent: Saturday, March 21, 2020 8:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 7:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Saturday, March 21, 2020 7:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) Office Cell)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 20, 2020 5:13 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 3:09 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Crossland, Andy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=81610968976F4884852FB0C5265D384E-CROSSLAND, ANDY]
Sent: Thur 3/26/2020 4:47:41 PM (UTC)
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

HA! Losing it!!! With an L!!!!

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Thursday, March 26, 2020 12:02 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

I'm posing it also! Lol.

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Crossland, Andy <Crossland.Andy@epa.gov>
Sent: Thursday, March 26, 2020 12:01 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

-A

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Thursday, March 26, 2020 11:53 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Thursday, March 26, 2020 11:47 AM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Thursday, March 26, 2020 11:41 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19

John and Carol— Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stephanos, Ann <Stephanos.Ann@epa.gov>
Sent: Tuesday, March 24, 2020 1:41 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ex. 5 AC/DP

Ann

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Monday, March 23, 2020 5:23 PM

To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Ann Ex. 5 AC/DP

Ex. 5 AC/DP

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 4:54 PM

To: Groce, Bryan <Groce.Bryan@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC

Ex. 6 Personal Privacy (PP)

Twitter: @EPALand, #NoWastedFood

From: Groce, Bryan <Groce.Bryan@epa.gov>

Sent: Monday, March 23, 2020 3:34 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi Ann and Kathy,

I am resending the email below again since I didn't include you on it previously.

From: Groce, Bryan

Sent: Monday, March 23, 2020 3:25 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Ex. 5 AC/DP

P.S.
We have received at least one other email regarding this matter.

From: Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Sent: Monday, March 23, 2020 1:52 PM

To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>; Groce, Bryan <Groce.Bryan@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Thanks – looping in Scott and Bryan

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 1:49 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Mimi and all,

Please see mail from Stericycle and their proposed workaround for shippers refusing to sign manifests. Please coordinate with OGC/OECA.

From: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>

Sent: Monday, March 23, 2020 1:42 PM

To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: RE: Issues with Generator Signature during COVID-19

Selin, receipt confirmed. Will be discussing with DOT management as per next steps.

Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan

Director, Southern Region

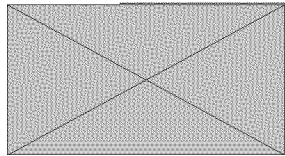
Office of Hazardous Materials Safety, Field Operations

Pipeline and Hazardous Materials Safety Administration

U.S. Department of Transportation

230 Peachtree Street NW, Suite 2100 (PHH-46)
Atlanta, Georgia 30303
☎: (404) 832-1135 📧: John.Heneghan@dot.gov
Webpage: phmsa.dot.gov/hazmat
Linkedin: www.linkedin.com/in/johnheneghan

Ex. 6 Personal Privacy (PP)



From: Hoboy, Selin [<mailto:SHoboy@STERICYCLE.com>]
Sent: Monday, March 23, 2020 1:31 PM
To: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>; Salyer.kathleen@Epa.gov
Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>
Subject: Issues with Generator Signature during COVID-19
Importance: High

Dear John and Kathleen,

I am reaching out to address the issue we are having with shippers (generators) signing on shipping documents and manifests for hazardous materials in transport. Several of our shippers for both regulated medical waste but also in some few cases hazardous waste are refusing to sign on the shipping document/manifest due to concerns around social distancing and safety during the COVID-19 pandemic crisis.

I know that for hazardous waste there is some relief in the rule if there is authorization to sign on behalf of the generator, however in these circumstances we may or may not have that authorization available and it is increasingly difficult to get a response from hospital administration.

Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	Technician asks Generator's representative for spelling of full name. Technician prints Generator's full name in box 15 of UHW manifest. Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest. Technician prints date on box 15 of UHW manifest Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols
UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest

14. Special Handling Instructions and Additional Information:

15. GENERATOR'S/SHIPPER'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled, placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.

Generator's/Shipper's Printed/Typed Name: Sue Smith

Signature: [Signature] Month: 03 Day: 20 Year: 2020

16. International Shipments: ☐ Import to U.S. ☐ Export from U.S. Port of entry/exit: Date leaving U.S.:

17. Transporter Acknowledgment of Receipt of Materials:

Transporter 1 Printed/Typed Name: Doug Jones

Signature: Doug Jones Month: 03 Day: 20 Year: 2020

Transporter 2 Printed/Typed Name: [Blank] Signature: [Blank] Month: Day: Year:

18. Other Information:

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	Driver asks Generator's representative for spelling of full name. Driver prints Generator's full name in box 3 on RMW manifest. Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest. Driver prints date in box 3 on RMW manifest Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols
Generator refuses to sign the Handheld for no-manifest customers	Driver asks Generator representative for spelling of full name Driver enters generators full name into the Handheld (PDT) On the signature screen, driver enters "Generator Refused to sign COVID-19"
RMW manifest copy distribution	Driver provides Generator's representative with appropriate copy of RMW manifest Driver prints out generator copy of tickertape and offers it for their records. <ul style="list-style-type: none"> If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

Driver prints Generator's full name

Driver notes that Generator refused to sign manifest

Driver prints date

3. Generator's Certification: I hereby declare that the contents of this container are the waste described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international, national, and/or governmental regulations.

X Printed/Typed Name: Betsy Long

Signature: Customer Refused to sign: COVID-19

Date: 3/23/20

4. TRANSPORTER 1 ADDRESS: Stericycle, Inc. 4403 Republic Ct Concord, NC 28027

Phone #: 704-795-1125

Applicable Permit Numbers: SC14-02T

☐ This is a Through Shipment

Print/Type Name: Greg Berry

Signature: [Signature]

Date: 3/23/20

5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:

Driver prints, signs, and dates manifest as Transporter 1

6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy

Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: Ex. 6 Personal Privacy (PP) | shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

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To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]
Cc: Crossland, Andy[Crossland.Andy@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
From: Fogarty, Johnpc[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]
Sent: Thur 3/26/2020 3:43:54 PM (UTC)
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Thursday, March 26, 2020 11:41 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19

John and Carol

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stephanos, Ann <Stephanos.Ann@epa.gov>
Sent: Tuesday, March 24, 2020 1:41 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ann

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Monday, March 23, 2020 5:23 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>
Subject: FW: Issues with Generator Signature during COVID-19

Ann

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Sent: Monday, March 23, 2020 4:54 PM

To: Groce, Bryan <Groce.Bryan@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>
Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC
Ex. 6 Personal Privacy (PP)
Twitter: @EPAland, #NoWastedFood

From: Groce, Bryan <Groce.Bryan@epa.gov>
Sent: Monday, March 23, 2020 3:34 PM
To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>
Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>
Subject: RE: Issues with Generator Signature during COVID-19

Hi Ann and Kathy,

I am resending the email below again since I didn't include you on it previously.

From: Groce, Bryan
Sent: Monday, March 23, 2020 3:25 PM
To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>
Cc: Elliott, Ross <Elliott.Ross@epa.gov>
Subject: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

Ex. 5 AC/DP

P.S.

We have received at least one other email regarding this matter.

From: Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Sent: Monday, March 23, 2020 1:52 PM

To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>; Groce, Bryan <Groce.Bryan@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Thanks – looping in Scott and Bryan

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 1:49 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Mimi and all,

Please see mail from Stericycle and their proposed workaround for shippers refusing to sign manifests. Please coordinate with OGC/OECA.

From: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>

Sent: Monday, March 23, 2020 1:42 PM

To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: RE: Issues with Generator Signature during COVID-19

Selin, receipt confirmed. Will be discussing with DOT management as per next steps.

Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan

Director, Southern Region

Office of Hazardous Materials Safety, Field Operations

Pipeline and Hazardous Materials Safety Administration

U.S. Department of Transportation

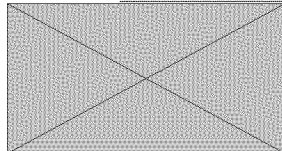
230 Peachtree Street NW, Suite 2100 (PHH-46)

Atlanta, Georgia 30303

☎: (404) 832-1135 📧: John.Heneghan@dot.gov ⓘ: Ex. 6 Personal Privacy (PP)

Webpage: phmsa.dot.gov/hazmat

LinkedIn: www.linkedin.com/in/johnheneghan



From: Hoboy, Selin [<mailto:SHoboy@STERICYCLE.com>]

Sent: Monday, March 23, 2020 1:31 PM

To: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>; Salyer.kathleen@Epa.gov

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: Issues with Generator Signature during COVID-19

Importance: High

Dear John and Kathleen,

I am reaching out to address the issue we are having with shippers (generators) signing on shipping documents and manifests for hazardous materials in transport. Several of our shippers for both regulated medical waste but also in some few cases hazardous waste are refusing to sign on the shipping document/manifest due to concerns around social distancing and safety during the COVID -19 pandemic crisis.

I know that for hazardous waste there is some relief in the rule if there is authorization to sign on behalf of the generator, however in these circumstances we may or may not have that authorization available and it is increasingly difficult to get a response from hospital administration.

Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	<p>Technician asks Generator's representative for spelling of full name.</p> <p>Technician prints Generator's full name in box 15 of UHW manifest.</p> <p>Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest.</p> <p>Technician prints date on box 15 of UHW manifest</p> <p>Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols</p>
UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	<p>Driver asks Generator's representative for spelling of full name.</p> <p>Driver prints Generator's full name in box 3 on RMW manifest.</p> <p>Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest.</p> <p>Driver prints date in box 3 on RMW manifest</p> <p>Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols</p>
Generator refuses to sign the Handheld for no-manifest customers	<p>Driver asks Generator representative for spelling of full name</p> <p>Driver enters generators full name into the Handheld (PDT)</p> <p>On the signature screen, driver enters "Generator Refused to sign COVID-19"</p>
RMW manifest copy distribution	<p>Driver provides Generator's representative with appropriate copy of RMW manifest</p> <p>Driver prints out generator copy of tickertape and offers it for their records.</p>

- If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

UN3291, Regulated Medical Waste, n.i.e.		RX36 - Medium		Driver prints date	
Driver prints Generator's full name		SG91/SI91 - Sha		Driver notes that Generator refused to sign manifest	
3. Generator's Certification: "I hereby declare that the contents of this container are as described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."					
X Printed/Typed Name		Betsy Long		Signature: COVID-19 Date: 3/23/20	
4. TRANSPORTER 1 ADDRESS:		Stericycle, Inc. 4403 Republic Ct Concord, NC 28027		Phone #: 704-795-1125 Applicable Permit Numbers: SC14-02T	
PRIMARY TRANSPORTER		<input type="checkbox"/> This is a Through Shipment		Date: 3/23/20	
Print/Type Name		Greg Berry		Signature: [Signature]	
5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS:		INTERM		Date: 3/23/20	
Driver prints, signs, and dates manifest as Transporter 1		LOCATION: receipt of medical waste as described above.		Phone #: [Blank] Applicable Permit Numbers:	
Print/Type		Signature		Date	
6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:		Phone #:		Applicable Permit Numbers:	

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy

Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: [Ex. 6 Personal Privacy (PP)] shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

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To: Porter, Amy[Porter.Amy@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]
Cc: Holmes, Carol[Holmes.Carol@epa.gov]; BERMAN, TESSA[Berman.Tessa@epa.gov]
From: Binder, Jonathan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9BAE4ABE9B7414BA5D806B1B2CBDA64-JBINDE02]
Sent: Fri 3/27/2020 4:24:09 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

See below. We should discuss.

From: Pinu'u Stout <pstout@sfpueblo.com>
Sent: Friday, March 27, 2020 12:20 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 3:24:52 PM
Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

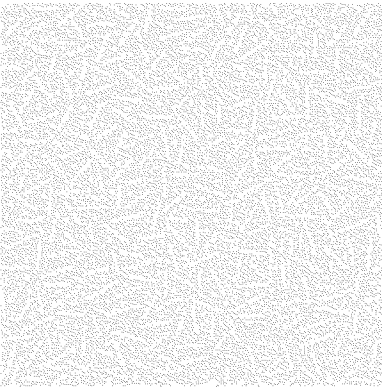
As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: OUST RPM Call List[OUST_RPM_Call_List@epa.gov]
From: Walker, Tom[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A71C5EE1E7B41999D855C8CE23CAF85-WALKER, TOM]
Sent: Fri 3/27/2020 4:23:07 PM (UTC)
Subject: Final RPM/ OUST Monthly Call Agenda - 3/31/20
[Final RPM Call Agenda 3-31-20.docx](#)
[oecamemooncovid19implications.pdf](#)
[FW: COVID-19 Interim Guidelines for Inspections](#)
[5 types of money for EPA UST Program.pdf](#)
[Uses of LUST Trust Fund for Corrective Action 3-26-20.pdf](#)



Hello RPM/ OUST Call Attendees. Firstly, let me say that I hope all of you and family are healthy and doing ok. So welcome to our (hopefully short, temporary) new normal. We are now immersed in the virtual world. What we need now are holograms, or avatars.

Attached and below is the Agenda for next Tues, 3/31/20, RPM/ OUST monthly call. Attachments 2 and 3 pertain to Agenda Item 2, while attachments 3 and 4 pertain to Agenda Item 9.

Because of this new normal, we have all be forced to jam the information superhighway (internet) and phone lines (me included). And thus, have had to change to Skype for the RPM Call because our usual RPM Call call-in number is experiencing technical difficulties.

- 1) Since we are trying Skype for the first time for the RPM call, and callers attend this call from all over the country, please let me know how the call quality is for you, and if you have a poor connection, or get dropped, etc. We will strive for continuous improvement on future calls.
- 2) If you have poor call quality, please feel free to experiment with the “find a local number” option, or the “call me at function,” and let me know how that works for you!

Have a good weekend and stay healthy. Talk next Tuesday. Sincerely, - Tom

+++++

EPA Internal Deliberative

Agenda for RPM/OUSt monthly call

Tuesday, March 31, 2020 2:00-3:30pm (Eastern)

Join by Skype: [Join Skype Meeting](#) Trouble Joining? [Try Skype Web App](#)

Join by phone:

Ex. 6 Personal Privacy (PP)

ial-in Number) English (US)

Find a local number

Conference ID

Ex. 6 Personal Privacy (PP)

- 1. Welcome & Roll Call (Tom Walker) 2:00 - 2:05
- 2. Programmatic Impacts of Coronavirus (Covid19) 2:05 – 2:35 (or longer if needed)
 - a) National Updates; See two attachments (Carolyn Hoskinson)
 - b) Regional Issues (roundtable format starting with R8)

Ex. 5 Deliberative Process (DP); Ex. 7(E)

Ex. 5 Deliberative Process (DP); Ex. 7(E)

3. Review of Indian Country LUST cleanup bids (Carolyn Hoskinson & Sue Burnell) 2:35 - 2:40

4. Mid-Year reporting LUST 4/ BFS (Sue Burnell) 2:40 - 2:45

5. Regional Roundtable: Non-Covid19 updates (moderated by Tom Walker; Start with R8.) 2:45 - 3:00

6. NTC Sept 2020: (Carolyn Hoskinson) 3:00 - 3:05

7. Tribal Updates 3:05 - 3:10

- a) Aug 2020 Tribal Lands and Environment Forum (TLEF); plans for session proposals (Judy Barrows)
- b) Announcement on new Tribal cleanup contract (Rich Canino)

8. Other Issues? (All) 3:10 – 3:15

Ex. 5 Deliberative Process (DP)

- b) News from CRD: April 1 Regional Indian county LUST workgroup call (aka ICLCTW) 2:30 PM EDT; agenda forthcoming from Emma Krulick
- c) News from CRD: April 9 State Fund/ FR call with states and regions 2:00 PM EDT; agenda forthcoming from Emma Krulick
- d) News from RPD: OECA tribal consultation postponed
- e) News from RPD: watch for an email from Tony Raia about deadline to change over to Fed Talent for UST inspector training

9. UST Program Education: (Judy Barrows et al) 3:15 - 3:30 (if time allows)

- a) Allowable uses of the Leaking Underground Storage Tank (LUST) Trust Fund for Corrective Action (See two attachments)

10. Wrap Up/Final Thoughts (Carolyn Hoskinson) 3:30

- Next RPM Calls 4/28/20
- Stay Safe and Healthy!

Upcoming Meetings and Reminders: All meeting scheduled below pending due to Covid19

Regional Meetings: Please let your RL know when your next All-States/ All-Tribes Meetings are planned/ changed. Below is the schedule we have currently: (Canceled in blue) (Grey highlighted have already happened)

a) All State & All Tribe Meetings

<u>Region</u>	<u>All-State Meeting: Location and date</u>	<u>All-Tribe Meeting: Location and Date</u>
Region 1	Lowell, MA; May 6, 2020	
Region 2	San Juan, PR; Feb 2020	
Region 3		
Region 4		
Region 5	Chicago, IL; April 14, 15, 2020	R5 TEPM Conference, Chicago, IL, Mar 16-18, 2020
		R5 TOC , Chicago, IL, Mar 19, 2020

		Keweenaw Bay Indian Community Tribal Water Day Celebration, L'Anse Township, MI, 6/17-18/20
Region 6		R6 Tribal Caucus/RTOC Meetings and Tribal Summit, Dallas, TX, March 30 – April 3, 2020
Region 7	Lenexa, KS; Aug/ Sept (TBD), 2019	R7 Quarterly TOC, Lenexa, KS; 1/21-23, 2020
Region 8	Jackson, WY; week of May 11, 2020	
Region 9		R9 TOC, Reno, NV, February 11-13, 2020
		R9 TOC, San Francisco, CA, May 12-14, 2020
		R9 TOC, Flagstaff, AZ, August 11-14, 2020
Region 10	Portland, OR; March 9-10, 2020	R10 Quarterly RTOC, Seattle, WA, Dec 3-4, 2019
National		TWAR Meeting Wash, DC, February 18-21, 2020
		TPPC Spring Mtg, Arlington, VA, March 11-13, 2020
		EE2020—the E-Enterprise National Meeting, Chicago, IL, May 12-15, 2020
		TLEF, Milwaukee, WI, August 17-20, 2020
		R2 24th Annual Indian National Leaders Meeting, Saratoga Springs, NY, May 18-20, 2020

b) Other National/ Regional Meetings:-

- 1) ASTSWMO 2020 Mid-Year Meeting, Birmingham, AL, April 29 - April 30, 2020
- 2) 27th Nat Tanks Conf 2020, Pittsburgh, PA, Sept 22 - Sept 24; (Workshops, Sept 21)

Resources/ Training

- ITRC: <http://www.itrcweb.org/>
 - ITRC Training - <http://www.itrcweb.org/training> (General training including archives)
 - ITRC Training Calendar –
 - https://www.itrcweb.org/Documents/TeamResources_OutreachMaterials/ITRC-2018-Classes-112017.pdf (2018 schedule)
- ASTSWMO: <http://www.astswmo.org/>
 - ASTSWMO UST Subcommittee Publications: http://www.astswmo.org/main/tanks_pubs.html
- NEIWPCC (USTs): <http://www.neiwpcc.org/ust.asp>
 - NEIWPCC training calendar - <http://www.neiwpcc.org/training/calendar.asp>
- Trainex (Training Exchange Website): <https://trainex.org/>
- Clu-In (EPA site): <https://clu-in.org/>
 - Tech Direct and Newsletters - <https://clu-in.org/newsletters/>

NOTE: For TechDirect, they prefer to concentrate mainly on new documents and the Internet live events. However, they do support an area on CLU-IN where announcement of conferences and courses can be regularly posted. They invite sponsors to input information on their events at <https://clu-in.org/courses>. Likewise, readers may visit this area for news of upcoming events that might be of interest. It allows users to search events by location, topic, time period, etc. If you have any questions regarding TechDirect, contact Jean Balent at Ex. 6 Personal Privacy (PP) or balent.jean@epa.gov. To unsubscribe, send a blank email to leave-1630046-2005238.1410601b622b2d80c7f7a99a9086784c@lists.epa.gov. Remember, you may subscribe, unsubscribe or change your subscription address at <https://clu-in.org/techdirect> at any time night or day.

Tom Walker
US Environmental Protection Agency
Office of Underground Storage Tanks
Washington, DC
Ph # 202-564-0581
walker.tom@epa.gov

+++++

“... Reach out your hand if your cup be empty,
If your cup is full let it be again ...” RH/ JG

+++++

**EPA Internal Deliberative
Agenda for RPM/OUST monthly call
Tuesday, March 31, 2020 2:00-3:30pm (Eastern)**

Join by Skype: [Join Skype Meeting](#) [Trouble Joining?](#) [Try Skype Web App](#)

Join by phone: Toll number: **Ex. 6 Personal Privacy (PP)** (Dial-in Number) English (US)
[Find a local number](#)

Conference ID: **Ex. 6 Personal Privacy (PP)**

+++++

1. Welcome & Roll Call (Tom Walker) 2:00 - 2:05

2. Programmatic Impacts of Coronavirus (Covid19) 2:05 – 2:35 (or longer if needed)

- a) National Updates; See two attachments (Carolyn Hoskinson)
- b) Regional Issues (roundtable format starting with R8)

Ex. 5 Deliberative Process (DP); Ex. 7(E)

3. Review of Indian Country LUST cleanup bids (Carolyn Hoskinson & Sue Burnell) 2:35 - 2:40

4. Mid-Year reporting LUST 4/ BFS (Sue Burnell) 2:40 - 2:45

5. Regional Roundtable: Non-Covid19 updates (moderated by Tom Walker; Start with R8.) 2:45 - 3:00

6. NTC Sept 2020: (Carolyn Hoskinson) 3:00 - 3:05

7. Tribal Updates 3:05 - 3:10

- a) Aug 2020 Tribal Lands and Environment Forum (TLEF); plans for session proposals (Judy Barrows)
- b) Announcement on new Tribal cleanup contract (Rich Canino)

8. Other Issues? (All) 3:10 – 3:15

Ex. 5 Deliberative Process (DP)

- b) News from CRD: April 1 Regional Indian county LUST workgroup call (aka ICLCTW) 2:30 PM EDT; agenda forthcoming from Emma Krulick
- c) News from CRD: April 9 State Fund/ FR call with states and regions 2:00 PM EDT; agenda forthcoming from Emma Krulick
- d) News from RPD: OECA tribal consultation postponed
- e) News from RPD: watch for an email from Tony Raia about deadline to change over to Fed Talent for UST inspector training

9. UST Program Education: (Judy Barrows et al) 3:15 - 3:30 (if time allows)

- a) Allowable uses of the Leaking Underground Storage Tank (LUST) Trust Fund for Corrective Action (See two attachments)

10. Wrap Up/Final Thoughts (Carolyn Hoskinson) 3:30

- Next RPM Calls 4/28/20
- Stay Safe and Healthy!

EPA Internal Deliberative
Agenda for RPM/OUST monthly call, p. 2
Tuesday, March 31, 2020 2:00-3:30pm (Eastern)

Upcoming Meetings and Reminders: All meeting scheduled below pending due to Covid19

Regional Meetings: Please let your RL know when your next All-States/ All-Tribes Meetings are planned/ changed. Below is the schedule we have currently: (Canceled in blue) (Grey highlighted have already happened)

a) All State & All Tribe Meetings

<u>Region</u>	<u>All-State Meeting: Location and date</u>	<u>All-Tribe Meeting: Location and Date</u>
Region 1	Lowell, MA; May 6, 2020	
Region 2	San Juan, PR; Feb 2020	
Region 3		
Region 4		
Region 5	Chicago, IL; April 14, 15, 2020	R5 TEPM Conference, Chicago, IL, Mar 16-18, 2020
		R5 TOC, Chicago, IL, Mar 19, 2020
		Keweenaw Bay Indian Community Tribal Water Day Celebration, L'Anse Township, MI, 6/17-18/20
Region 6		R6 Tribal Caucus/RTOC Meetings and Tribal Summit, Dallas, TX, March 30 – April 3, 2020
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		R9 TOC, San Francisco, CA, May 12-14, 2020
		R9 TOC, Flagstaff, AZ, August 11-14, 2020
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		R2 24th Annual Indian National Leaders Meeting, Saratoga Springs, NY, May 18-20, 2020

b) Other National/ Regional Meetings: -

- 1) ASTSWMO 2020 Mid-Year Meeting, Birmingham, AL, April 29 - April 30, 2020

**EPA Internal Deliberative
Agenda for RPM/OUST monthly call, p. 3
Tuesday, March 31, 2020 2:00-3:30pm (Eastern)**

2) 27th Nat Tanks Conf 2020, Pittsburgh, PA, Sept 22 - Sept 24; (Workshops, Sept 21)

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 - ITRC Training - <http://www.itrcweb.org/training> (General training including archives)
 - ITRC Training Calendar –
 - https://www.itrcweb.org/Documents/TeamResources_OutreachMaterials/ITRC-2018-Cclasses-112017.pdf (2018 schedule)
- ASTSWMO: <http://www.astswmo.org/>
 - ASTSWMO UST Subcommittee Publications: http://www.astswmo.org/main/tanks_pubs.html
- NEIWPCC (USTs): <http://www.neiwpcc.org/ust.asp>
 - NEIWPCC training calendar - <http://www.neiwpcc.org/training/calendar.asp>
- Trainex (Training Exchange Website): <https://trainex.org/>
- Clu-In (EPA site): <https://clu-in.org/>
 - Tech Direct and Newsletters - <https://clu-in.org/newsletters/>

NOTE: For TechDirect, they prefer to concentrate mainly on new documents and the Internet live events. However, they do support an area on CLU-IN where announcement of conferences and courses can be regularly posted. They invite sponsors to input information on their events at <https://clu-in.org/courses> . Likewise, readers may visit this area for news of upcoming events that might be of interest. It allows users to search events by location, topic, time period, etc. If you have any questions regarding TechDirect, contact Jean Balent at Ex. 6 Personal Privacy (PP) or balent.jean@epa.gov . To unsubscribe, send a blank email to leave-1630046-2005238.1410601b622b2d80c7f7a99a9086784c@lists.epa.gov. Remember, you may subscribe, unsubscribe or change your subscription address at <https://clu-in.org/techdirect> at any time night or day.

To: Russell, Sam[russell.sam@epa.gov]; Ambrosino, Helene[Ambrosino.Helene@epa.gov]; Azad, Ava[Azad.Ava@epa.gov]; BERMAN, TESSA[Berman.Tessa@epa.gov]; Carr, Matt[Carr.Matt@epa.gov]; Charlton, Tom[Charlton.Tom@epa.gov]; Freed, Elisabeth[Freed.Elisabeth@epa.gov]; Harmon, Kenneth[Harmon.Kenneth@epa.gov]; Hautamaki, Jared[Hautamaki.Jared@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Jonesi, Fran[Jonesi.Fran@epa.gov]; Kane, Rebecca[Kane.Rebecca@epa.gov]; LeDesma, Michael[LeDesma.Michael@epa.gov]; Lischinsky, Robert[Lischinsky.Robert@epa.gov]; Mia, Marcia[Mia.Marcia@epa.gov]; Oif, Leslie[Oif.Leslie@epa.gov]; Page, Phil[Page.Phil@epa.gov]; Pendleton, Gracie[Pendleton.Gracie@epa.gov]; Walker, Yolaanda[Walker.Yolaanda@epa.gov]
From: Binder, Jonathan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9BAE4ABE9B7414BA5D806B1B2CBDA64-JBINDE02]
Sent: Thur 3/26/2020 10:25:44 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

The following message as distributed earlier this afternoon

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 5:30 PM
To:

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone: Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator

To: Villatora, Liliana[Villatora.Liliana@epa.gov]; Brooks, Phillip[Brooks.Phillip@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
From: Froikin, Sara[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E52FE29F223F4E869B82918294900D8F-FROIKIN, SARA]
Sent: Mon 3/2/2020 2:41:45 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance
2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis lv sf com.docx

A few more thoughts from me. And I accepted Liliana’s in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Brooks, Phillip[Brooks.Phillip@epa.gov]; Froikin, Sara[Froikin.Sara@epa.gov]; Fried, Gregory[Fried.Gregory@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
From: Villatora, Liliana[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B5579C74C434E08BAF991AE1313E71B-VILLATORA, LILIANA]
Sent: Mon 3/2/2020 2:33:05 PM (UTC)
Subject: Re: PR Industry request for No Action Assurance
2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis lv com.docx

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Sunday, March 1, 2020 9:41:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Ireland, Laurie[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2C8A8DE28E004917A263E164468E4699-LINDQUIST, LAURIE]
Sent: Thur 3/26/2020 7:10:05 PM (UTC)
Subject: FW: Audit Disclosure
Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program (March 26, 2020).pdf

From: Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>
Sent: Thursday, March 26, 2020 3:09 PM
To: Ireland, Laurie <Ireland.Laurie@epa.gov>
Cc: Ruple, Rhonda <ruple.rhonda@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>
Subject: Audit Disclosure

Hello again Laurie,

Ex. 5 Deliberative Process (DP)

If you have an interest, I can be available to share my thoughts on a path forward.

Kind regards,
Marcia

To: Holmes, Carol[Holmes.Carol@epa.gov]
From: Porter, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: Tue 3/10/2020 5:02:39 PM (UTC)
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Yes - will do.

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 10, 2020 1:01 PM
To: Porter, Amy <Porter.Amy@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

FYI.

BTW -- Do you want to remind Rosemarie/Karin (and me and John) to include you on management-level NAA emails (or do you get enough emails already!)?

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 10, 2020 12:59 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

FYI – for now

From: Irving, John <Irving.John@epa.gov>
Sent: Tuesday, March 10, 2020 12:54 PM
To: OECA Office Directors and Deputy Directors <OECA Office Directors and Deputy Directors@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi, all.

Please see below. Susan would like to discuss this at today's ODs Meeting.

On a related note, R5 received a consent decree force majeure notification in anticipation of possible disruptions and inability to meet deadlines due to the virus.

-- John

John S. Irving
Deputy Assistant Administrator
U.S. Environmental Protection Agency

From: Gray, David <gray.david@epa.gov>

Sent: Tuesday, March 10, 2020 11:29 AM

To: Irving, John <Irving.John@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Payne, James <payne.james@epa.gov>

Subject: FW: State Requests - CONVID-19 Quarantine Facilities

John, Cari and Jim,

I know Larry S is out of town. As part of preparedness efforts, our states are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Has this concept come to your attention and if so, can you share any thoughts with me?

David

Appointment

From: Holmes, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: 3/6/2020 11:22:32 PM
To: Miller, Amy [Miller.Amy@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community
Location: **Ex. 6 Personal Privacy (PP)** [Dial-in Number]
Start: 3/9/2020 3:30:00 PM
End: 3/9/2020 4:00:00 PM
Show Time As: Tentative

Just scheduling time for us to talk on Monday. Have a great weekend!

From: Miller, Amy <Miller.Amy@epa.gov>
Sent: Friday, March 6, 2020 5:25 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Magnan, Eric <Magnan.Eric@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Dear John:

Thank you for contacting me. I am available between 11-1 pm your time (8-10 am pst). It would be great to touch base then so that I can report back to the Water Division Director and DRA at our Senior Management Meeting at 10 am pst on Monday. Please send us an invite (Amy, Thanne Berg, Eric Magnan)

Regards,

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Friday, March 6, 2020 1:30 PM
To: Miller, Amy <Miller.Amy@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy- following up on the emails below, we have some options for you on this issue. When is a good time for you to get together to chat on Monday? Thx!

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 06, 2020 11:42 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

John, Carol-

Could you follow up with Amy Miller in possible NAA.

Rosemarie

Begin forwarded message:

From: "Miller, Amy" <Miller.Amy@epa.gov>
Date: March 5, 2020 at 10:07:50 PM MST
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Berg, Elizabeth" <Berg.Elizabeth@epa.gov>, "Magnan, Eric" <Magnan.Eric@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Advise on response?

Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Date: March 5, 2020 at 6:32:04 PM PST
To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9

Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>

Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>

Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>

Sent: Thursday, March 5, 2020 11:25 AM

To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>

Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov; Janet Goodfellow

<JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R.
Dismukes <SDismukes@eckertseamans.com>; David A. Rockman
(DRockman@eckertseamans.com) <DRockman@eckertseamans.com>;
Dearness, John <John.Dearness@StarKist.com>
<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP)

Karen Glatzel
Faim@aspower.com; William Spitzenberg
<williams@aspower.com>; Edna Buchan { **Ex. 6 Personal Privacy (PP)**
Jewel Tuiasosopo (jewel.tuiasosopo@epa.as.gov)
<jewel.tuiasosopo@epa.as.gov>

Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago
Harboe and Costal sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached
(thanks to Jewel !). This means we cannot do the receiving water
sampling in March as planned. We need to coordinate with USEPA to
determine the path forward at this point. There is no current estimate
as to how long this will be in effect.

Steve

From: Costa, Steven/BAO

Sent: Wednesday, March 4, 2020 7:19 PM

To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>;
'vauoli.elena@epa.gov' <vauoli.elena@epa.gov>

Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>;
'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet
Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts
(Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R.
Dismukes <SDismukes@eckertseamans.com>; David A. Rockman
(DRockman@eckertseamans.com) <drockman@eckertseamans.com>;
'Dearness, John <John.Dearness@StarKist.com>'<John.Dearness@StarKist.com>; Rob Darby

Ex. 6 Personal Privacy (PP)

Karen Glatzel
Fa'i Mareko (faim@aspower.com)
<faim@aspower.com>; 'William Spitzenberg' <williams@aspower.com>;
Nimbus Environmental { **Ex. 6 Personal Privacy (PP)**

Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal
sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind
sampling in March (weeks of 16 and 23) if AS travel restrictions and the
current coronavirus issues don't preclude travel at that time. This email
message addresses three issues associated with the sampling.

[1] **Travel restrictions:**

We see that the American Samoa Dept of Health (DOH) met on Monday
March 2 and developed new (draft) travel restrictions for American

Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available. **Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation with EPA.** We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/27/2020 8:46:05 PM (UTC)
Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Oh Geez.

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-8709

On Mar 27, 2020, at 4:41 PM, Binder, Jonathan <Binder.Jonathan@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Please let me know if you have any questions. Thanks

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 2:52 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

See long chain – Chad was upset about potential distribution of our email lists. Did you by any change coordinate with OITA on this before I sent it?

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 2:51 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Whew, breathing again.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Friday, March 27, 2020 2:46 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Lesson learned that we should have bcc'd. Let me check if they work outside of the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 27, 2020 2:42 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Looks like David did the same in his email to ECOS.

Let's figure out whether this is an issue or not (i.e. do the lists work for others?)

From: Bodine, Susan

Sent: Friday, March 27, 2020 2:40 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Friday, March 27, 2020 1:19 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600
Begin forwarded message:

From: Pinu'u Stout <pstout@sfpueblo.com>

Date: March 27, 2020 at 12:18:25 PM EDT

To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>

Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS < Ex. 6 Personal Privacy (PP) >, EPA RICS < Ex. 6 Personal Privacy (PP) >, "Binder, Jonathan" <Binder.Jonathan@epa.gov>

Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone 41 < Ex. 6 Personal Privacy (PP) >
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators

<Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators
<Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators
<Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators
<Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators
<Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff
<Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts
<Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy
<gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Porter, Amy[Porter.Amy@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Wed 3/25/2020 1:34:51 PM (UTC)
Subject: RE: Morning version-

It is what we proposed last night. So we are good on that. Now I have to read the rest. Sigh. Changes. At the 11th hour. Geez

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Porter, Amy <Porter.Amy@epa.gov>
Sent: Wednesday, March 25, 2020 9:30 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: FW: Morning version-

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 9:23 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Morning version-

Not a redline. I highlighted the more substantive changes from last night's version.

Most importantly, §

Ex. 5 Deliberative Process (DP)

Susan

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Tuesday, March 24, 2020 6:07 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: end of day version - enf flexibility - 3-24-20 version -

All – you should be able to click on the document link that Carol sent in the 2:01 email below and see the changes made based on our discussion this afternoon. You will know by seeing a new title for the document

DRAFT DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID-19 Interim Enforcement Policy (3/24)

Please let me know if you cannot see the updated version. It also includes language from OCSP that Alex has signed off on.

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 24, 2020 2:01 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

Hello – attached is a revised version. Note this doesn't incorporate the comments Karin Leff just shared (sorry, emails crossing). **Ex. 5 Deliberative Process (DP)** Thanks, Carol

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Tuesday, March 24, 2020 12:42 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-

Morton, Ethel <Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Next Steps - 3-24-20 version -

Thanks – we'll work on revising accordingly and offer up some language to address your note below as well. Is it possible to adjust the OD agenda for today so that we spend the first 15 – 10 minutes on the memo?

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: (Ex. 6 Personal Privacy (PP))
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 12:14 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

I described the changes and he blessed them. So work with this redline.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 12:06 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Susan—

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 10:28 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-

Morton, Ethel <Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 9:12 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan –

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:57 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 8:55 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-

Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

What would be most helpful to you at this point? Should we have a brief call to talk about how to move forward? Or do you want John and Carol to take a shot at revising, incorporating DOJ's comments, as well as some of our own?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:24 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Tuesday, March 24, 2020 8:07 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:20 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 6:17 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:07 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Attached adds minor edit regarding **Ex. 5 Deliberative Process (DP)**

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 10:04 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 9:49 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 2:56 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>

Sent: Sunday, March 22, 2020 1:38 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 11:32 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and Ex. 5 Deliberative Process (DP)

From: Bodine, Susan

Sent: Sunday, March 22, 2020 10:43 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan

Sent: Saturday, March 21, 2020 9:06 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan

Sent: Saturday, March 21, 2020 8:56 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 7:32 PM

To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Saturday, March 21, 2020 7:02 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Saturday, March 21, 2020 5:56 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Saturday, March 21, 2020 4:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 2:36 PM
To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 3:09 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>

Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

ED_004611E_00003788-00012

OECA COVID-19 2020
FOIAs_Production006

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: King, Carol[King.Carol@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Tue 3/17/2020 12:02:29 PM (UTC)
Subject: RE: Messaging

Hi Carol – I think you may have misunderstood the email we area working on.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sorry.

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: King, Carol <King.Carol@epa.gov>
Sent: Tuesday, March 17, 2020 7:59 AM
To: Driskell, Amanda <Driskell.Amanda@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Wilson, Dane <Wilson.Dane@epa.gov>
Subject: RE: Messaging

Can we touch base by phone this morning just so I can make sure I understand the issue you’re talking about with MS? I’m assuming it’s about what’s happening nationally with COVID-19.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Can you join today’s noon EST SDWA PWS call? We plan to discuss this issue on that call today. I’ll also try to forward any general emails to the group. Expecting something soon.

Hope you and your family are doing well. Stay safe.

Thanks,
Carol

From: Driskell, Amanda <Driskell.Amanda@epa.gov>
Sent: Tuesday, March 17, 2020 7:21 AM
To: King, Carol <King.Carol@epa.gov>
Subject: FW: Messaging

Ex. 5 Deliberative Process (DP)

Amanda

Amanda L. Driskell, Senior Enforcement Officer
USEPA - Region 4
Enforcement & Compliance Assurance Division

Water Enforcement Branch
Drinking Water & Waste Water Section
Atlanta Federal Center – Mail Code: 9T25
61 Forsyth Street, 15th Floor
Atlanta, GA 30303
404-562-9735
404-562-9439 (fax)
driskell.amanda@epa.gov

From: Walters, Karen <Karen.Walters@msdh.ms.gov>
Sent: Thursday, March 12, 2020 12:50 PM
To: Driskell, Amanda <Driskell.Amanda@epa.gov>
Subject: Messaging

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

and would like to discuss with you. I will be leaving the office at 1 pm (Central) today but will be available via cell for a good portion of the afternoon if we can set up a conference call.

Keep this conference info for future use.
888-822-7517
Access code 3468547

Karen Walters
Bureau of Public Water Supply
601-576-7731 office

Ex. 6 Personal Privacy (PP)

To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/13/2020 7:11:13 PM (UTC)
Subject: RE: Coronavirus question -- draft email to regions....thoughts?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 13, 2020 11:23 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: Coronavirus question

Carol –

Are you working today? It would be good to talk about this.

Rosemarie

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 7:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Coronavirus question

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Mar 12, 2020, at 10:30 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Rosemarie

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>

Date: March 12, 2020 at 8:42:59 PM EDT

To: "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com>, "Welton, Patricia" <Welton.Patricia@epa.gov>

Cc: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>

Subject: Re: Coronavirus question

Hi Matt. Thanks for this inquiry about virus-related compliance issues in Texas. Referring this to Patricia Welton, who is serving as acting Regional Counsel for Region 6. Last Fall I moved to the agency's OGC in DC. Jim 202-564-0212

Sent from my iPhone

On Mar 12, 2020, at 6:36 PM, "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com> wrote:

Jim, the TIP group has a meeting tomorrow focused on Coronavirus-related compliance issues. A member asked about enforcement discretion for deferral of scheduled RMP-related audits and similar issues in EPA's realm. We'd be interested in a process, or at least the right contact, for our members to use. If you have a minute, please call me on cell at 713-504-0313.

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To: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]
Cc: Crossland, Andy[Crossland.Andy@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Thur 3/26/2020 4:00:34 PM (UTC)
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Thursday, March 26, 2020 11:59 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Yes, exactly.

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Thursday, March 26, 2020 11:56 AM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff

Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Thursday, March 26, 2020 11:53 AM

To: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>

Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Thursday, March 26, 2020 11:47 AM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>

Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>

Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Thursday, March 26, 2020 11:41 AM

To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>

Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19

John and Carol

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stephanos, Ann <Stephanos.Ann@epa.gov>

Sent: Tuesday, March 24, 2020 1:41 PM

To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>

Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ann

From: Sullivan, Greg <Sullivan.Greg@epa.gov>

Sent: Monday, March 23, 2020 5:23 PM

To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Ann - Ex. 5 AC/DP

Ex. 5 AC/DP

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 4:54 PM

To: Groce, Bryan <Groce.Bryan@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC

Ex. 6 Personal Privacy (PP)

ED_004611E_00003830-00003

OECA COVID-19 2020
FOIAs_Production006

From: Groce, Bryan <Groce.Bryan@epa.gov>

Sent: Monday, March 23, 2020 3:34 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi Ann and Kathy,

I am resending the email below again since I didn't include you on it previously.

From: Groce, Bryan

Sent: Monday, March 23, 2020 3:25 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

P.S.

We have received at least one other email regarding this matter.

From: Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Sent: Monday, March 23, 2020 1:52 PM

To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>; Groce, Bryan <Groce.Bryan@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Thanks – looping in Scott and Bryan

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 1:49 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Mimi and all,

Please see mail from Stericycle and their proposed workaround for shippers refusing to sign manifests. Please coordinate with OGC/OECA.

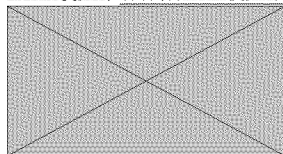
From: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>
Sent: Monday, March 23, 2020 1:42 PM
To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>
Subject: RE: Issues with Generator Signature during COVID-19

Selin, receipt confirmed. Will be discussing with DOT management as per next steps.

Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan
Director, Southern Region
Office of Hazardous Materials Safety, Field Operations
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
230 Peachtree Street NW, Suite 2100 (PHH-46)
Atlanta, Georgia 30303
☎: (404) 832-1135 📧: John.Heneghan@dot.gov
Webpage: phmsa.dot.gov/hazmat
Linkedin: www.linkedin.com/in/johnheneghan

Ex. 6 Personal Privacy (PP)



From: Hoboy, Selin [<mailto:SHoboy@STERICYCLE.com>]
Sent: Monday, March 23, 2020 1:31 PM
To: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>
Subject: Issues with Generator Signature during COVID-19
Importance: High

Dear John and Kathleen,

I am reaching out to address the issue we are having with shippers (generators) signing on shipping documents and manifests for hazardous materials in transport. Several of our shippers for both regulated medical waste but also in some few cases hazardous waste are refusing to sign on the shipping document/manifest due to concerns around social distancing and safety during the COVID-19 pandemic crisis.

I know that for hazardous waste there is some relief in the rule if there is authorization to sign on behalf of the generator, however in these circumstances we may or may not have that authorization available and it is increasingly difficult to get a response from hospital administration.

Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	Technician asks Generator's representative for spelling of full name. Technician prints Generator's full name in box 15 of UHW manifest. Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest. Technician prints date on box 15 of UHW manifest Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols
--	--

UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest
--------------------------------	---

The image shows a Hazardous Waste Manifest form with several annotations in boxes and arrows:

- Box 14:** "Technician prints Generator's Full Name" (points to the name field), "Technician notes that Generator refused to sign manifest" (points to the signature field), and "Technician prints date" (points to the date field).
- Box 15:** "GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled, placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true."
- Box 16:** "Generator's Office's Printed/Typed Name: Sue Smith", "Signature: Generator refused to sign COVID-19", "Month: 03", "Day: 20", "Year: 2020".
- Box 17:** "Transporter 1 Printed/Typed Name: Doug Jones", "Signature: Doug Jones", "Month: 03", "Day: 20", "Year: 2020".
- Box 18:** "Transporter 2 Printed/Typed Name: [blank]", "Signature: [blank]", "Month: [blank]", "Day: [blank]", "Year: [blank]".
- Box 19:** "Technician prints, signs and dates manifest as Transporter 1" (points to the signature field of Box 18).

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	<p>Driver asks Generator's representative for spelling of full name.</p> <p>Driver prints Generator's full name in box 3 on RMW manifest.</p> <p>Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest.</p> <p>Driver prints date in box 3 on RMW manifest</p> <p>Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols</p>
Generator refuses to sign the Handheld for no-manifest customers	<p>Driver asks Generator representative for spelling of full name</p> <p>Driver enters generators full name into the Handheld (PDT)</p> <p>On the signature screen, driver enters "Generator Refused to sign COVID-19"</p>
RMW manifest copy distribution	<p>Driver provides Generator's representative with appropriate copy of RMW manifest</p> <p>Driver prints out generator copy of tickertape and offers it for their records.</p> <ul style="list-style-type: none"> If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

The image shows a Regulated Medical Waste (RMW) Manifest form with several annotations in boxes and arrows:

- Box 3:** "Driver prints Generator's full name" (points to the name field), "Driver notes that Generator refused to sign manifest" (points to the signature field), and "Driver prints date" (points to the date field).
- Box 4:** "TRANSPORTER 1 ADDRESS: Starcycle, Inc. 4403 Republic Ct Concord, NC 28027", "Signature: Greg Berry", "Date: 3/23/20", "Phone #: 704-795-1125", "Applicable Permit Numbers: SC14-02T".
- Box 5:** "INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS: [blank]", "Signature: [blank]", "Date: [blank]", "Phone #: [blank]", "Applicable Permit Numbers: [blank]".
- Box 6:** "INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS: [blank]", "Signature: [blank]", "Date: [blank]", "Phone #: [blank]", "Applicable Permit Numbers: [blank]".
- Box 7:** "Driver prints, signs, and dates manifest as Transporter 1" (points to the signature field of Box 5).

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy

Stericycle, Inc.

Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M Ex. 6 Personal Privacy (PP) | shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

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To: Crossland, Andy[Crossland.Andy@epa.gov]; Sullivan, Greg[Sullivan.Greg@epa.gov]; Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
Cc: Saenz, Diana[Saenz.Diana@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Thur 3/26/2020 3:52:22 PM (UTC)
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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Crossland, Andy <Crossland.Andy@epa.gov>
Sent: Thursday, March 26, 2020 11:50 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

-Andy

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Thursday, March 26, 2020 11:47 AM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Thursday, March 26, 2020 11:41 AM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>
Subject: FW: URGENT: RE: Issues with Generator Signature during COVID-19

John and Carol

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Stephanos, Ann <Stephanos.Ann@epa.gov>
Sent: Tuesday, March 24, 2020 1:41 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>
Subject: URGENT: RE: Issues with Generator Signature during COVID-19

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ann

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Monday, March 23, 2020 5:23 PM
To: Crossland, Andy <Crossland.Andy@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>
Subject: FW: Issues with Generator Signature during COVID-19

Ann

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Sent: Monday, March 23, 2020 4:54 PM
To: Groce, Bryan <Groce.Bryan@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi all,

Ex. 5 AC/DP

Kathleen Salyer
Acting Director
Office of Resource Conservation and Recovery
US EPA
Washington, DC

Ex. 6 Personal Privacy (PP)

Twitter: @EPALand, #NoWastedFood

From: Groce, Bryan <Groce.Bryan@epa.gov>

Sent: Monday, March 23, 2020 3:34 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>; Nam, Katherine <nam.katherine@epa.gov>; Stephanos, Ann <Stephanos.Ann@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Hi Ann and Kathy,

I am resending the email below again since I didn't include you on it previously.

From: Groce, Bryan

Sent: Monday, March 23, 2020 3:25 PM

To: Donnelly, Stephen <Donnelly.Stephen@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Ex. 5 AC/DP

P.S.

We have received at least one other email regarding this matter.

From: Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Sent: Monday, March 23, 2020 1:52 PM

To: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Christian, Scott <Christian.Scott@epa.gov>; Groce, Bryan <Groce.Bryan@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: RE: Issues with Generator Signature during COVID-19

Thanks – looping in Scott and Bryan

From: Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 1:49 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Charbonneau, David <Charbonneau.David@epa.gov>; Donnelly, Stephen <Donnelly.Stephen@epa.gov>

Cc: Elliott, Ross <Elliott.Ross@epa.gov>

Subject: FW: Issues with Generator Signature during COVID-19

Mimi and all,

Please see mail from Stericycle and their proposed workaround for shippers refusing to sign manifests. Please coordinate with OGC/OECA.

From: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>

Sent: Monday, March 23, 2020 1:42 PM

To: Hoboy, Selin <SHoboy@STERICYCLE.com>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: RE: Issues with Generator Signature during COVID-19

Selin, receipt confirmed. Will be discussing with DOT management as per next steps.

Kathleen my contact information is below and we will try to coordinate one government response if possible so please hit me up with full contact information.

John P. Heneghan

Director, Southern Region

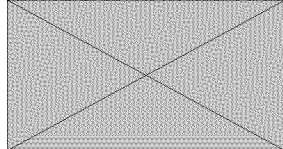
Office of Hazardous Materials Safety, Field Operations
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
230 Peachtree Street NW, Suite 2100 (PHH-46)
Atlanta, Georgia 30303

☎: (404) 832-1135 📧: John.Heneghan@dot.gov ⓘ

Ex. 6 Personal Privacy (PP)

Webpage: phmsa.dot.gov/hazmat

Linkedin: www.linkedin.com/in/johnheneghan



From: Hoboy, Selin [<mailto:SHoboy@STERICYCLE.com>]

Sent: Monday, March 23, 2020 1:31 PM

To: Heneghan, John (PHMSA) <John.Heneghan@dot.gov>; Salyer.kathleen@Epa.gov

Cc: Krol, Matt <Matt.Krol@Stericycle.com>; Hlavka, John <JHlavka@STERICYCLE.com>

Subject: Issues with Generator Signature during COVID-19

Importance: High

Dear John and Kathleen,

I am reaching out to address the issue we are having with shippers (generators) signing on shipping documents and manifests for

hazardous materials in transport. Several of our shippers for both regulated medical waste but also in some few cases hazardous waste are refusing to sign on the shipping document/manifest due to concerns around social distancing and safety during the COVID-19 pandemic crisis.

I know that for hazardous waste there is some relief in the rule if there is authorization to sign on behalf of the generator, however in these circumstances we may or may not have that authorization available and it is increasingly difficult to get a response from hospital administration.

Thus, Stericycle has developed a draft standard work to address this situation to the best of our ability:

For Uniform Hazardous Waste Manifest we will implement the following procedure:

Generator refuses to sign UHM manifest due to concerns over potential exposure to COVID-19	Technician asks Generator's representative for spelling of full name. Technician prints Generator's full name in box 15 of UHW manifest. Technician prints "Generator refused to sign COVID-19" under "Signature" section of box 15 of UHW manifest. Technician prints date on box 15 of UHW manifest Technician prints and signs their name and prints date in box 17 of UHW manifest for Transporter 1 using standard UHW manifest signature protocols
UHM manifest copy distribution	Technician provides Generator with "Generator's Initial Copy" of UHW manifest

For Regulated Medical Waste Shipping paper we will implement the following procedure:

Generator refuses to sign RMW manifest due to concerns over potential exposure to COVID-19	Driver asks Generator's representative for spelling of full name. Driver prints Generator's full name in box 3 on RMW manifest. Driver prints "Generator refused to sign COVID-19" under "Signature" section of box 3 on RMW manifest. Driver prints date in box 3 on RMW manifest Driver prints and signs their name and prints date in box 4 on RMW manifest for Transporter 1 using standard RMW manifest signature protocols
Generator refuses to sign the Handheld for no-manifest customers	Driver asks Generator representative for spelling of full name Driver enters generators full name into the Handheld (PDT) On the signature screen, driver enters "Generator Refused to sign COVID-19"
RMW manifest copy distribution	Driver provides Generator's representative with appropriate copy of RMW manifest Driver prints out generator copy of tickertape and offers it for their records. <ul style="list-style-type: none"> If they refuse to accept we must let them know that they will be able to view their record on HOV when uploaded.

Regulated Medical Waste (RMW) Manifest Example

1. UN3291, Regulated Medical Waste, n.i.e. Driver prints Generator's full name RX36 - Medium SG91/SI91 - Sha		Driver notes that Generator refused to sign manifest		Driver prints date	
3. Generator's Certification: "I hereby declare that the contents of this container are as described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."					
X Printed/Typed Name Betsy Long		Signature Customer Refused to sign: COVID-19		Date 3/23/20	
PRIMARY TRANSPORTER	4. TRANSPORTER 1 ADDRESS: Stericycle, Inc. 4403 Republic Ct Concord, NC 28027		Phone # 704-795-1125		Applicable Permit Numbers: SC14-02T
	TRANSPORTER CERTIFICATION: Receipt of medical waste as described above. Print/Type Name Greg Berry		Signature [Signature]		
TRANSPORTER 2 / INTERMEDIATE HANDLER	5. INTERMEDIATE HANDLER 2 / TRANSPORTER 2 ADDRESS: INTERM Driver prints, signs, and dates manifest as Transporter 1		Date 3/23/20		Applicable Permit Numbers:
	6. INTERMEDIATE HANDLER 3 / TRANSPORTER 3 ADDRESS:		Date		

Please let us know if this is a workable solution to ensure compliance for both departments so that we may continue to be able to provide services.

We really appreciate in advance your consideration of this proposal and the work you are doing for this effort!!!

Please reach out to me with any further questions/comments.

Thank you!!

Selin Hoboy

Stericycle, Inc.

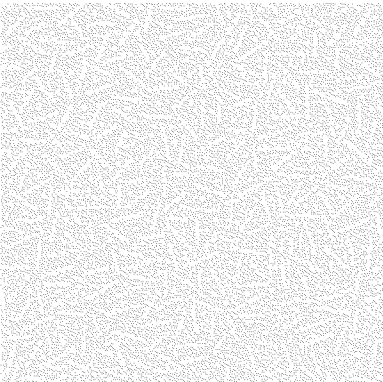
Vice President, Government Affairs and Compliance

O: +1 847-943-6685 (VM Only) | M: Ex. 6 Personal Privacy (PP) | shoboy@stericycle.com | www.stericycle.com

12460 Crabapple Road | Suite 202 Box 227 | Alpharetta, GA 30004

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To: Raia, Anthony[Raia.Anthony@epa.gov]
Cc: Smith, TimR[Smith.TimR@epa.gov]; Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/27/2020 4:46:38 PM (UTC)
Subject: FW: Final RPM/ OUST Monthly Call Agenda - 3/31/20
[Final RPM Call Agenda 3-31-20.docx](#)
[oecamemooncovid19implications.pdf](#)
[FW: COVID-19 Interim Guidelines for Inspections](#)
[5 types of money for EPA UST Program.pdf](#)
[Uses of LUST Trust Fund for Corrective Action 3-26-20.pdf](#)



Hi Tony – I plan to attend this call if at all possible.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Walker, Tom <Walker.Tom@epa.gov>
Sent: Friday, March 27, 2020 12:23 PM
To: OUST RPM Call List <OUST_RPM_Call_List@epa.gov>
Subject: Final RPM/ OUST Monthly Call Agenda - 3/31/20

Hello RPM/ OUST Call Attendees. Firstly, let me say that I hope all of you and family are healthy and doing ok. So welcome to our (hopefully short, temporary) new normal. We are now immersed in the virtual world. What we need now are holograms, or avatars.

Attached and below is the [Agenda for next Tues, 3/31/20, RPM/ OUST monthly call](#). Attachments 2 and 3 pertain to Agenda Item 2, while attachments 3 and 4 pertain to Agenda Item 9.

Because of this new normal, we have all be forced to jam the information superhighway (internet) and phone lines (me included). And thus, have had to change to Skype for the RPM Call because our usual RPM Call call-in number is experiencing technical difficulties.

1) Since we are trying Skype for the first time for the RPM call, and callers attend this call from all over the country, please let me know how the call quality is for you, and if you have a poor connection, or get dropped, etc. We will strive for continuous improvement on future calls.

2) If you have poor call quality, please feel free to experiment with the “find a local number” option, or the “call me at function,” and let me know how that works for you!

Have a good weekend and stay healthy. Talk next Tuesday. Sincerely, - Tom

+++++

EPA Internal Deliberative
Agenda for RPM/OUST monthly call
Tuesday, March 31, 2020 2:00-3:30pm (Eastern)
Join by Skype: [Join Skype Meeting](#) [Trouble Joining?](#) [Try Skype Web App](#)
Join by phone: Toll number: **Ex. 6 Personal Privacy (PP)** (Dial-in Number) English (US)
[Find a local number](#)
Conference ID: **Ex. 6 Personal Privacy (PP)**

1. Welcome & Roll Call (Tom Walker) 2:00 - 2:05

2. Programmatic Impacts of Coronavirus (Covid19) 2:05 – 2:35 (or longer if needed)

a) National Updates; See two attachments (Carolyn Hoskinson)

b) Regional Issues (roundtable format starting with R8)

Ex. 5 Deliberative process / Ex. 7(E)

3. Review of Indian Country LUST cleanup bids (Carolyn Hoskinson & Sue Burnell) 2:35 - 2:40

4. Mid-Year reporting LUST 4/ BFS (Sue Burnell) 2:40 - 2:45

5. Regional Roundtable: Non-Covid19 updates (moderated by Tom Walker; Start with R8.) 2:45 - 3:00

6. NTC Sept 2020: (Carolyn Hoskinson) 3:00 - 3:05

7. Tribal Updates 3:05 - 3:10

a) Aug 2020 Tribal Lands and Environment Forum (TLEF); plans for session proposals (Judy Barrows)

b) Announcement on new Tribal cleanup contract (Rich Canino)

8. Other Issues? (All) 3:10 – 3:15

Ex. 5 Deliberative Process (DP)

b) News from CRD: April 1 Regional Indian county LUST workgroup call (aka ICLCTW) 2:30 PM EDT; agenda forthcoming from Emma Krulick

c) News from CRD: April 9 State Fund/ FR call with states and regions 2:00 PM EDT; agenda forthcoming from Emma Krulick

d) News from RPD: OECA tribal consultation postponed

e) News from RPD: watch for an email from Tony Raia about deadline to change over to Fed Talent for UST inspector training

9. UST Program Education: (Judy Barrows et al) 3:15 - 3:30 (if time allows)

a) Allowable uses of the Leaking Underground Storage Tank (LUST) Trust Fund for Corrective Action (See two attachments)

10. Wrap Up/Final Thoughts (Carolyn Hoskinson) 3:30

- Next RPM Calls 4/28/20
- Stay Safe and Healthy!

Upcoming Meetings and Reminders: All meeting scheduled below pending due to Covid19

Regional Meetings: Please let your RL know when your next All-States/ All-Tribes Meetings are planned/ changed. Below is the schedule we have currently: (Canceled in blue) (Grey highlighted have already happened)

a) All State & All Tribe Meetings

<u>Region</u>	<u>All-State Meeting: Location and date</u>	<u>All-Tribe Meeting: Location and Date</u>
Region 1	Lowell, MA; May 6, 2020	
Region 2	San Juan, PR; Feb 2020	
Region 3		
Region 4		
Region 5	Chicago, IL; April 14, 15, 2020	R5 TEPM Conference, Chicago, IL, Mar 16-18, 2020
		R5 TOC , Chicago, IL, Mar 19, 2020
		Keweenaw Bay Indian Community Tribal Water Day Celebration, L'Anse Township, MI, 6/17-18/20
Region 6		R6 Tribal Caucus/RTOC Meetings and Tribal Summit, Dallas, TX, March 30 – April 3, 2020
Region 7	Lenexa, KS; Aug/ Sept (TBD), 2019	R7 Quarterly TOC, Lenexa, KS; 1/21-23, 2020
Region 8	Jackson, WY; week of May 11, 2020	
Region 9		R9 TOC, Reno, NV, February 11-13, 2020
		R9 TOC, San Francisco, CA, May 12-14, 2020
		R9 TOC, Flagstaff, AZ, August 11-14, 2020
Region 10	Portland, OR; March 9-10, 2020	R10 Quarterly RTOC, Seattle, WA, Dec 3-4, 2019
National		TWAR Meeting Wash, DC, February 18-21, 2020
		TPPC Spring Mtg, Arlington, VA, March 11-13, 2020
		EE2020—the E-Enterprise National Meeting, Chicago, IL, May 12-15, 2020
		TLEF, Milwaukee, WI, August 17-20, 2020

		R2 24th Annual Indian National Leaders Meeting, Saratoga Springs, NY, May 18-20, 2020
--	--	---

b) Other National/ Regional Meetings:-

- 1) ASTSWMO 2020 Mid-Year Meeting, Birmingham, AL, April 29 - April 30, 2020
- 2) 27th Nat Tanks Conf 2020, Pittsburgh, PA, Sept 22 - Sept 24; (Workshops, Sept 21)

Resources/ Training

- ITRC: <http://www.itrcweb.org/>
 - ITRC Training - <http://www.itrcweb.org/training> (General training including archives)
 - ITRC Training Calendar –
 - https://www.itrcweb.org/Documents/TeamResources_OutreachMaterials/ITRC-2018-Classes-112017.pdf (2018 schedule)
- ASTSWMO: <http://www.astswmo.org/>

- ASTSWMO UST Subcommittee Publications: http://www.astswmo.org/main/tanks_pubs.html

- NEIWPCC (USTs): <http://www.neiwpcc.org/ust.asp>

- NEIWPCC training calendar - <http://www.neiwpcc.org/training/calendar.asp>

- Trainex (Training Exchange Website): <https://trainex.org/>

- Clu-In (EPA site): <https://clu-in.org/>

- Tech Direct and Newsletters - <https://clu-in.org/newsletters/>

NOTE: For TechDirect, they prefer to concentrate mainly on new documents and the Internet live events.

However, they do support an area on CLU-IN where announcement of conferences and courses can be regularly posted. They invite sponsors to input information on their events at <https://clu-in.org/courses> . Likewise, readers may visit this area for news of upcoming events that might be of interest. It allows users to search events by location,

topic, time period, etc. If you have any questions regarding TechDirect, contact Jean Balent at

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

or balent.jean@epa.gov . To unsubscribe, send a blank email to

leave-1630046-2005238.1410601b622b2d80c7f7a99a9086784c@lists.epa.gov. Remember, you may subscribe, unsubscribe or change your subscription address at <https://clu-in.org/techdirect> at any time night or day.

+++++

Tom Walker

US Environmental Protection Agency

Office of Underground Storage Tanks

Washington, DC

Ph # 202-564-0581

walker.tom@epa.gov

+++++

"... Reach out your hand if your cup be empty,
If your cup is full let it be again ..." RH/ JG

+++++

To: Bartlett, Keith[Bartlett.Keith@epa.gov]
Cc: Milton, Philip[Milton.Philip@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/27/2020 1:27:08 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program
No Action Assurance Regarding Self-Identification Requirement for Certain "Manufacturers" Subject to the TSCA Fees Rule (March 24, 2020).pdf

Hi Keith, actually, that isn't the NAA that Susan wants to public notice of in the FR (just a one para notice, not the entire NAA). The attached NAA is the one at issue. It is posted on the OCSPP webpage <https://www.epa.gov/tsca-fees/information-plan-reduce-tsca-fees-burden-and-no-action-assurance>.

Phil is working on the paragraph, and I'm sure he'd appreciate any help re process and formatting etc. Thanks!!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Bartlett, Keith <Bartlett.Keith@epa.gov>
Sent: Friday, March 27, 2020 9:21 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Is this your NAA? Do you want to provide notice in FR? Let me know and we can coordinate. It has to be done electronically through me since I am the only one in OECA with access to the system "FR Dailies" that OP is requiring all offices to use.

Thanks!

Keith

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated

community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Walker, Yolaanda[Walker.Yolaanda@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Tue 3/24/2020 6:41:08 PM (UTC)
Subject: RE: WCED Agenda

And item 2! Thanks

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Walker, Yolaanda <Walker.Yolaanda@epa.gov>
Sent: Tuesday, March 24, 2020 2:38 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: FW: WCED Agenda

Carol,

In case you want to listen in on agenda item #1.

Yolaanda Walker

Yolaanda Walker, Environmental Engineer
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency (2249A)
Ph: 202-564-4281, Fax: 202-564-0020
Email: walker.yolaanda@epa.gov



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From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Tuesday, March 24, 2020 2:36 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Cc: OECA-OCE-WCED <OECAOCEWCED@epa.gov>
Subject: WCED Agenda

FIFRA - COVID-19 activities (e.g., Ex. 5 Deliberative Process (DP) etc)
COVID-19 meeting with ORCR and Industry Wednesday

Ex. 5 Deliberative Process (DP)

OIG Report 5(e) meeting (if needed)

Update –

Ex. 5 Deliberative Process (DP)

Gregory Sullivan, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency, OECA
1200 Pennsylvania Ave, NW (MC2249A)
Washington, DC 20460
202 564-1298

This email is confidential and may contain legally privileged information. If you are not the intended recipient, please delete it immediately, do not copy, and notify the sender. Thank you.

Help eliminate environmental violations - report tips and complaints at <http://www.epa.gov/compliance/complaints/index.html>

To: Hindin, David[Hindin.David@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Tue 3/24/2020 6:34:13 PM (UTC)
Subject: RE: Next Steps - 3-24-20 version -

Thanks David!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 24, 2020 2:30 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

Thanks for good work here!

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Tuesday, March 24, 2020 2:01 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Next Steps - 3-24-20 version -

Hello – attached is a revised version. Note this doesn’t incorporate the comments Karin Leff just shared (sorry, emails crossing). **Ex. 5 Deliberative Process (DP)** Thanks, Carol

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 12:42 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Next Steps - 3-24-20 version -

Thanks – we'll work on revising accordingly and offer up some language to address your note below as well. Is it possible to adjust the OD agenda for today so that we spend the first 15 – 10 minutes on the memo?

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 12:14 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

I described the changes and he blessed them. So work with this redline.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 12:06 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan—

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 10:28 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 9:12 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Susan –

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:57 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

ED_004611E_00003845-00003

OECA COVID-19 2020
FOIAs_Production006

Sent: Tuesday, March 24, 2020 8:55 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

What would be most helpful to you at this point? Should we have a brief call to talk about how to move forward? Or do you want John and Carol to take a shot at revising, incorporating DOJ's comments, as well as some of our own?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 8:24 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Tuesday, March 24, 2020 8:07 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:20 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 6:17 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:07 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Attached adds minor edit regarding

Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 10:04 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 9:49 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 2:56 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>

Sent: Sunday, March 22, 2020 1:38 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 11:32 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and: **Ex. 5 Deliberative Process (DP)**

From: Bodine, Susan

Sent: Sunday, March 22, 2020 10:43 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan
Sent: Saturday, March 21, 2020 9:06 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan
Sent: Saturday, March 21, 2020 8:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 7:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Saturday, March 21, 2020 7:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan

ED_004611E_00003845-00008

OECA COVID-19 2020
FOIAs_Production006

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 3:09 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>

Subject: Latest version of enforcement flexibilities paper

Susan—

ED_004611E_00003845-00011

OECA COVID-19 2020
FOIAs_Production006

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Brooks, Phillip[Brooks.Phillip@epa.gov]; Froikin, Sara[Froikin.Sara@epa.gov]; Villatora, Liliana[Villatora.Liliana@epa.gov];
Fried, Gregory[Fried.Gregory@epa.gov]; McHale, Mary[McHale.Mary@epa.gov]
Cc: Fogarty, Johnpc[Fogarty.Johnpc@epa.gov]
From: Holmes, Carol[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]
Sent: Fri 3/13/2020 7:31:16 PM (UTC)
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Holmes, Carol has shared a OneDrive for Business file with you. To view it, click the link below.

 2020-03-02 Draft NAA re Industry Generators - Gov.DNER.health basis 3.13.20 version 2 +CSH.docx

Thanks Phill – your version and Sara’s crossed, so I tried to make the changes Sara had made in your version, but not sure I caught them all (and she is out the rest of today). Given that it is 4:30 in PR (right?), should we just wait until Monday morning to send to DENR? I totally get the desire to get this done, but I

Ex. 5 Deliberative Process (DP)

Thanks!

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 2:40 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol
Sent: Friday, March 13, 2020 12:51 PM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – sorry, but this is very frustrating since conversations with Susan are happening and calls are scheduled when I am not available. What, again, is the rush to get this done today?

Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 12:32 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Ex. 5 Deliberative Process (DP)

From: Holmes, Carol
Sent: Friday, March 13, 2020 11:05 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>;
Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Sara –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Froikin, Sara <Froikin.Sara@epa.gov>
Sent: Friday, March 13, 2020 11:03 AM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Hi Carol,

Ex. 5 Deliberative Process (DP)

Thanks,

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 10:56 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

Thanks Phill – again, I’m sorry I’ve missed some recent calls and thus still have questions concerns. I saw in Sara’s notes (thanks!)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Thanks!

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Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Brooks, Phillip <Brooks.Phillip@epa.gov>
Sent: Friday, March 13, 2020 10:02 AM
To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance (Pharma)

From: Froikin, Sara
Sent: Monday, March 02, 2020 9:42 AM
To: Villatora, Liliana <Villatora.Liliana@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: RE: PR Industry request for No Action Assurance

A few more thoughts from me. And I accepted Liliana's in-line redline.

Sara Froikin, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Phone: 212-637-3263

From: Villatora, Liliana <Villatora.Liliana@epa.gov>
Sent: Monday, March 02, 2020 9:33 AM
To: Brooks, Phillip <Brooks.Phillip@epa.gov>; Froikin, Sara <Froikin.Sara@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>
Subject: Re: PR Industry request for No Action Assurance

my comments

From: Brooks, Phillip <Brooks.Phillip@epa.gov>

Sent: Sunday, March 1, 2020 9:41:05 AM

To: Froikin, Sara <Froikin.Sara@epa.gov>; Villatora, Liliana <Villatora.Liliana@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; McHale, Mary <McHale.Mary@epa.gov>

Subject: PR Industry request for No Action Assurance

For you review.

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

To: Vizian, Donna[Vizian.Donna@epa.gov]
Cc: Carpenter, Wesley[Carpenter.Wesley@epa.gov]; Bell, Matthew[Bell.Matthew@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Idsal, Anne[idsal.anne@epa.gov]
From: Campbell, Ann[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B8C25A0C2FB648B6A947694A8492311E-CAMPBELL, ANN]
Sent: Wed 3/25/2020 3:10:38 PM (UTC)
Subject: OAR COVID 19 Report for March 25, 2020
[OAR COVID 19 Report 032520.docx](#)

Please find attached OAR's COVID 19 report for March 25.

Thank you. Be well.

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

COVID-19 – Agency Response
March 25, 2020
EPA Office of Air and Radiation

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

Allowing excess jet fuel to be blended with diesel fuel: The sudden sharp drop in demand for jet fuel is creating downstream distribution issues, including limiting the delivery of needed diesel fuel, as jet fuel produced at refineries prior to the fall in demand is distributed through the system toward airports which no longer need much of the fuel. EPA, along with DOE, is coordinating with the impacted industry segments to evaluate the issue and to develop potential solutions (e.g., allowing jet fuel to be blended into marine diesel oil or into locomotive diesel fuel). There are both regulatory and fuel property incompatibility issues the Agency and industry will need to address to resolve this issue.

Emergency extension request from HPBA: The Hearth, Patio, and Barbecue Association (HPBA) has submitted a formal, emergency request for relief from the May 15, 2020, prohibition of sale on Step 1 appliances under the 2015 New Source Performance Standards for New Residential Wood Heaters, New Hydronic Heaters and Forced-Air Furnaces. This request is in response to the impact of coronavirus/COVID-19 on sales of Step 1 appliances. OAR will be coordinating with OECA and OGC on a response.

Guidance, Communication and Outreach with Stakeholders

To: Shaw, Betsy[Shaw.Betsy@epa.gov]; Idsal, Anne[idsal.anne@epa.gov]
From: Campbell, Ann[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B8C25A0C2FB648B6A947694A8492311E-CAMPBELL, ANN]
Sent: Wed 3/25/2020 2:16:30 PM (UTC)
Subject: FOR YOUR REVIEW: OAR COVID 19 Report for March 25,
OAR COVID 19 Report 032520.docx

Attached is today's report for your review and approval.

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

To: Idsal, Anne[idsal.anne@epa.gov]
Cc: Millett, John[Millett.John@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Simon, Karl[Simon.Karl@epa.gov]
From: Dunham, Sarah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]
Sent: Mon 3/23/2020 5:45:52 PM (UTC)
Subject: EPA response on state IM program temporary suspensions
COVID-19 I-M Q A 3-23-2020 ver 2.docx

Hi Anne-

Ex. 5 Deliberative Process (DP)

~~Ex. 5 Deliberative Process (DP)~~ We would like to get this out to the regions tomorrow. Please let me know if you have any questions or concerns.

Thanks
Sarah

**Emergency Relief for Small Refineries
COVID-19 and accelerating conflict between Russia and Saudi Arabia.**

S&P energy sector year to date returns are -45%, the single largest laggard in the S&P500. Publicly traded refiners have lost 40-50% of their overall value. The huge downturn coincides with the very damaging and dangerous ruling against small refinery hardship relief under the Renewable Fuel Standard from the 10th Circuit Court of Appeals that has caused the RIN-market to hit multi-year highs, raising compliance costs for all obligated parties.

Small refineries are uniquely vulnerable to economic shifts and high RIN costs because they operate in a lower margin environment, lack access to capital and credit, and have less diversification and geographic reach. The current downturn is having a devastating impact on small refineries and there is no end in sight.

In order to prevent irreparable harm to small refineries, regulatory and tax relief are needed.

Ex. 5 Deliberative Process (DP)

EPA has statutory authority under the Clean Air Act to reduce the national quantity of renewable fuel required under the Renewable Fuel Program, in whole or in part, if EPA determines that “implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States.” (42 USC § 7545(o)(7)(a)(i)). EPA’s authority to reduce the “national quantity” can be applied to “any person” subject to the RFS Program, such as small refineries.

2020 and 2021 Federal Excise Tax Relief:

Ex. 5 Deliberative Process (DP)

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Edwards, Jonathan[Edwards.Jonathan@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Kocchi, Suzanne[Kocchi.Suzanne@epa.gov]; Shoaff, John[Shoaff.John@epa.gov]; Hyde, Courtney[Hyde.Courtney@epa.gov]; Monroe, Scott[Monroe.Scott@epa.gov]; Millett, John[Millett.John@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]; Hagan, Nicole[Hagan.Nicole@epa.gov]; Cherepy, Andrea[Cherepy.Andrea@epa.gov]; Clarke, Deirdre[clarke.deirdre@epa.gov]
Cc: Idsal, Anne[idsal.anne@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Cory, Preston[Cory.Preston@epa.gov]; Moor, Karl[Moor.Karl@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Harlow, David[harlow.david@epa.gov]; Raymond, Kelley[Raymond.Kelley@epa.gov]; Landeene, Sarah[Landeene.Sarah@epa.gov]; Tardif, Abigale (Abbie)[Tardif.Abbie@epa.gov]
From: Campbell, Ann[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B8C25A0C2FB648B6A947694A8492311E-CAMPBELL, ANN]
Sent: Fri 3/27/2020 2:56:26 PM (UTC)
Subject: OAR COVID 19 Reporting for week ending March 27
[OAR COVID 19 Report 032420.docx](#)
[OAR COVID 19 Report 032520.docx](#)
[OAR COVID 19 Report 032620.docx](#)

All, my apologies. It seems in the flurry of this week and the change of schedule, I neglected to send the finalized COVID 19 reports back out to the group. Attached are the reports from Tuesday, Wednesday and Thursday. There was no report for today.

Again my apologies and thank you for your patience. Be well. Have a great weekend.

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

COVID-19 – Agency Response
March 24, 2020
EPA Office of Air and Radiation

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

Guidance, Communication and Outreach with Stakeholders

- **Ethylene oxide/Commercial sterilization coordination:** EPA continues to coordinate with the Food and Drug Administration (FDA) to ensure that that ethylene oxide concerns do not impede the medical supply chain. The Sterigenics commercial sterilization company is asking Cobb County, Georgia, for permission to restart sterilization at its Smyrna, Georgia facility. The county has been reviewing the facility's permits and fire protection standards since the fall of 2019. The FDA sent a letter to Governor Brian Kemp asking for his support in allowing the facility to resume sterilization.
- **Sterigenics Commercial Sterilizer in Charlotte, N.C.:** Sterigenics' facility in Charlotte, N.C. is operating. During the week of March 16, OAR, Region 4, and OECA staff worked with the Mecklenburg County (Charlotte, NC) local air program to quickly assess a monitoring plan for newly installed control equipment to further reduce ethylene oxide emissions. Installation of the new equipment, which is voluntary, is due to be completed in April. The company's consultant indicated that the facility has a significant backlog of COVID-19-related medical supplies waiting to be sterilized; however, initial indications are that approval of the monitoring plan in the short term will not increase the facility's capacity to sterilize equipment.
- **ENERGY STAR Commercial Building Certification Applications:** As part of any application for ENERGY STAR building certification, EPA requires a licensed professional to conduct a site visit. We are planning to temporarily extend the period of time allowed to perform a site visit, allowing applicants to wait to conduct the site visit and submit an application after it becomes feasible under CDC's guidelines and the building has resumed normal operations. We also are emphasizing our pre-existing flexibility on when site visits from the previous year can be used for an application.

**COVID-19 – Agency Response
March 26, 2020
EPA Office of Air and Radiation**

Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)

Guidance, Communication and Outreach with Stakeholders

- **ENERGY STAR Certified New Homes:** In coordination with the Residential Energy Services Network (RESNET), the organization that oversees the Home Energy Raters who perform the inspections and testing required for new homes to earn the ENERGY STAR label, EPA will allow for the visual inspection of certain energy-efficiency features to be conducted remotely using audio/visual connections. This allowance will be permitted for a specified limited time, to account for the unique challenges of performing on-site field inspections at this time. Raters will be required to ensure that documentation of the remote inspection (e.g., photos or video screenshots) is collected and provide a signed disclosure to the builder that remote inspection was employed.

Other Notable Responses

To: Idsal, Anne[idsal.anne@epa.gov]; Moor, Karl[Moor.Karl@epa.gov]; Harlow, David[harlow.david@epa.gov]; Dominguez, Alexander[dominguez.alexander@epa.gov]; Raymond, Kelley[Raymond.Kelley@epa.gov]; Cory, Preston[Cory.Preston@epa.gov]; Tardif, Abigale (Abbie)[Tardif.Abbie@epa.gov]; Landeene, Sarah[Landeene.Sarah@epa.gov]; Shaw, Betsy[Shaw.Betsy@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Koerber, Mike[Koerber.Mike@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Edwards, Jonathan[Edwards.Jonathan@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Kocchi, Suzanne[Kocchi.Suzanne@epa.gov]; Millett, John[Millett.John@epa.gov]; DeLuca, Isabel[DeLuca.Isabel@epa.gov]
From: Campbell, Ann[Ann.Campbell@epa.gov]/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B8C25A0C2FB648B6A947694A8492311E-CAMPBELL, ANN]
Sent: Thur 3/26/2020 7:45:41 PM (UTC)
Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program
[Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program \(March 26, 2020\).pdf](#)
[ATT00001.htm](#)

FYA

Ann Campbell
Chief of Staff
EPA/Office of Air and Radiation
Office: 202 566 1370

Begin forwarded message:

From: "Servidio, Cosmo" <Servidio.Cosmo@epa.gov>
Date: March 26, 2020 at 3:35:29 PM EDT
To: Chiefs of Staff <Chiefs_of_Staff@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

FYI -this was signed.

From: Brantner, Kelly A. <Brantner.Kelly@epa.gov>
Sent: Thursday, March 26, 2020 2:37 PM
To: Abrams, Robert <abrams.robert@epa.gov>; Adams, Connor <Adams.Connor@epa.gov>; Tzallas, Alexander <tzallas.alexander@epa.gov>; Salinas, Amy <salinas.amy@epa.gov>; Swanson, Amy <Swanson.Amy@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Galarza-Hernandez, Arlin <Galarza-Hernandez.Arlin@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bagley, Melissa <Bagley.Melissa@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Bendik, Kaitlyn <bendik.kaitlyn@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Bernier, Roberto <bernier.roberto@epa.gov>; Bragan, Mary Jo <Bragan.Maryjo@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Chambus, Francisca <Chambus.Francisca@epa.gov>; Champagne, Kenneth <Champagne.Kenneth@epa.gov>; Chavez, Araceli <Chavez.Araceli@epa.gov>; Rose, Cheryl <Rose.Cheryl@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Christopher Ajayi <Ajayi.Christopher@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Clark, Kevin <clark.kevin@epa.gov>; Michuda, Colleen E. <Michuda.Colleen@epa.gov>; Dan Chadwick <Chadwick.Dan@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Wampler, David <Wampler.David@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Inman, DonnaK <Inman.DonnaK@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Quinones, Edwin <quinones.edwin@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Feinmark, Phyllis <Feinmark.Phyllis@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>; Goodwin, John <Goodwin.John@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Grisby, Erin <grisby.erin@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Hohman, Darla <hohman.darla@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Bove, James <Bove.James@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>; Witul, Janice <Witul.Janice@epa.gov>; Jaramillo, Dennis <Jaramillo.Dennis@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Kopf, Jeff <Kopf.Jeff@epa.gov>; Jeleniewski, James <jeleniewski.james@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Johnbull, Enoch <Johnbull.Enoch@epa.gov>; Theis, Joseph

<Theis.Joseph@epa.gov>; Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>; Peaceman, Karen <Peaceman.Karen@epa.gov>; Karlson, Kristine <Karlson.Kristine@epa.gov>; Barton, Kasey <Barton.Kasey@epa.gov>; Spaulding, Kate <Spaulding.Kate@epa.gov>; Koller, Mark <koller.mark@epa.gov>; Lai, Elaine <Lai.Elaine@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Williams, Laurie <Williams.Laurie@epa.gov>; DeHaven, Leigh <DeHaven.Leigh@epa.gov>; Lennon, David <Lennon.David@epa.gov>; Kirby-Miles, Leslie <Kirby-Miles.Leslie@epa.gov>; Lindberg, Karl <Lindberg.Karl@epa.gov>; Livingston, Peggy <Livingston.Peggy@epa.gov>; Lovely, William <Lovely.William@epa.gov>; Mackey, John <mackey.john@epa.gov>; Marincola, Jamie <Marincola.JamesPaul@epa.gov>; Aaron, Mark <aaron.mark@epa.gov>; Howard, MarkW <Howard.MarkW@epa.gov>; Matthews, Mary <Matthews.Mary@epa.gov>; Carr, Matthew <Carr.Matthew@epa.gov>; McNerney, Heather <mcnerney.heather@epa.gov>; Fishburn, Meredith <Fishburn.Meredith@epa.gov>; Hodanish, Michael <Hodanish.Michael@epa.gov>; Massey, Michael <Massey.Michael@epa.gov>; Miller, Patricia G. <Miller.Patriciag@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Moore, John (Matthew) <moore.johnm@epa.gov>; Dixit, Naeha <dixit.naeha@epa.gov>; Nazar, Kristen <Nazar.Kristen@epa.gov>; O'Connor, Darcy <oconnor.darcy@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Curtin, Paula <Curtin.Paula@epa.gov>; Pearson, Janice <pearson.janice@epa.gov>; Perry, Chris <Perry.Chris@epa.gov>; Reich, Peter <Reich.Peter@epa.gov>; Pordesimo, Kristine <Pordesimo.Kristine@epa.gov>; Pyatt, Suzanne <pyatt.suzanne@epa.gov>; Sanchez, Rafael <Sanchez.Rafael@epa.gov>; Ramkissoon, Reshma <Ramkissoon.Reshma@epa.gov>; Bishlawi, Randa <Bishlawi.Randa@epa.gov>; Reynolds, Rebekah <Reynolds.Rebekah@epa.gov>; Reddy, Aarti <Reddy.Aarti@epa.gov>; Rhotenberry, William <Rhotenberry.William@epa.gov>; Clarizio, Richard <Clarizio.Richard@epa.gov>; Buso, Roberto X <Buso.Roberto@epa.gov>; Rongone, Marie <Rongone.Marie@epa.gov>; Ronquillo, Manuel <Ronquillo.Manuel@epa.gov>; Stavnes, Sandra <Stavnes.Sandra@epa.gov>; Muller, Sheldon <Muller.Sheldon@epa.gov>; Simkins, Rachel <Simkins.Rachel@epa.gov>; Smith, Stephen <Smith.Stephen@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; Hansen, Susan <Hansen.Susan@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; Walden, Ted <Walden.Ted@epa.gov>; Mann, Teresa <Mann.Teresa@epa.gov>; Tierney, Cate <Tierney.Cate@epa.gov>; Murphy, Tim <Murphy.Tim@epa.gov>; Bandrowicz, Toni <bandrowicz.toni@epa.gov>; VanTil, Barbara <vantil.barbara@epa.gov>; Martinez, Wanda <Martinez.Wanda@epa.gov>; Wawczak, Jeffrey <wawczak.jeffrey@epa.gov>; Weiler, Eaton <weiler.eaton@epa.gov>; Wejrowski, Mark <Wejrowski.Mark@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Wood, Nicole <wood.nicole@epa.gov>; Zhang, Xiao <Zhang.Xiao@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Susan just issued this. It will be posted on the OECA website and sent around to management but I wanted to send to you all as well.

Kelly Kaczka Brantner
Office of Civil Enforcement
Water Enforcement Division
U.S. EPA
1200 Pennsylvania Ave, NW
MC 2243A, WJC South Room 3111B
Washington, DC 20460
202-564-9933
Brantner.Kelly@epa.gov

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From: Bahk, Benjamin <Bahk.Benjamin@epa.gov>

Sent: Thursday, March 26, 2020 2:09 PM

To: Brantner, Kelly A. <Brantner.Kelly@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>; Cherry, Andrew <Cherry.Andrew@epa.gov>; Fergusson, Bruce <Fergusson.Bruce@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Ireland, Sean <Ireland.Sean@epa.gov>; Pendleton, Gracie

<Pendleton.Gracie@epa.gov>; Raack, Melissa <Raack.Melissa@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Stokely, Peter <Stokely.Peter@epa.gov>; Tierney, Cate <Tierney.Cate@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>

Subject: FW: DO NOT USE RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Please use this version ...

Ben Bahk
Branch Chief, Industrial Branch
U.S. Environmental Protection Agency
Office of Civil Enforcement
1200 Pennsylvania Ave. NW Mail Code 2243A
Washington, DC 20460
202-564-4293

Help eliminate environmental violations - report tips and complaints at:
<http://www.epa.gov/compliance/complaints/index.html>

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From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Thursday, March 26, 2020 2:05 PM
To: OECA-OCE-MANAGERS <OECAOCEMANAGERS@epa.gov>
Subject: FW: DO NOT USE RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Please delete earlier version and use this one.

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Thursday, March 26, 2020 2:00 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Mirza, Sabah <Mirza.Sabah@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Norris, Munsel <Norris.Munsel@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: DO NOT USE RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Please use this version of the signed memo.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Thursday, March 26, 2020 1:42 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Mirza, Sabah <Mirza.Sabah@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Norris, Munsel <Norris.Munsel@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: DO NOT USE RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I need to lock down the document more to make it more secure.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>

Sent: Thursday, March 26, 2020 1:35 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>

Cc: Mirza, Sabah <Mirza.Sabah@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hull, George <Hull.George@epa.gov>; Norris, Munsel <Norris.Munsel@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Please find the signed memorandum on *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program*.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

Appointment

To: Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Irving, John [Irving.John@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]

CC: Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Barnett, Cheryl [Barnett.Cheryl@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Harris, Michael [harris.michael@epa.gov]; Lammie, Benjamin [Lammie.Benjamin@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Lamberth, Larry [Lamberth.Larry@epa.gov]; Dean, Abigail [Dean.Abigail@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Mastro, Donna [mastro.donna@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Chow, James [chow.james@epa.gov]

Subject: ED/RC COVID-19 Update Call:
Location: Conference call

Ex. 6 Personal Privacy (PP)

Start: 3/18/2020 7:00:00 PM
End: 3/18/2020 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

All, this is a weekly call to address enforcement responses and policies related to COVID-19. Please join us today as we discuss who needs to participate and how this call will be used in the coming weeks. Please see the distribution list for current invitees.

Agenda for today's call:

-
-
-
-

Ex. 5 Deliberative Process (DP)

Ex. 6 Personal Privacy (PP)

Appointment

To: Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Irving, John [Irving.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]

CC: Dean, Abigail [Dean.Abigail@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Mastro, Donna [mastro.donna@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Chow, James [chow.james@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Melvin, Karen [Melvin.Karen@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Humphrey, Leslie [Humphrey.Leslie@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Russo, Rebecca [Russo.Rebecca@epa.gov]; Skelley, Dana [Skelley.Dana@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Jerison, Joanna [Jerison.Joanna@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Pane, Vickie [Pane.Vickie@epa.gov]; Newman, Keriema [Newman.Keriema@epa.gov]; Thompson, Christopher [Thompson.Christopher@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Lupton, Jane [lupton.jane@epa.gov]; McKeever, Michele [McKeever.Michele@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]

Attachments:

Ex. 5 Deliberative Process (DP)

Location:

Conference call

Start:

4/1/2020 7:00:00 PM

End:

4/1/2020 8:00:00 PM

Recurrence:

(none)

Ex. 6 Personal Privacy (PP)

Dial-in
Number)

Conference ID:

Ex. 6 Personal Privacy (PP)

Hi all, full agenda tomorrow. Please see the below:

1.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: Sutin, Elyana [Sutin.Elyana@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Irving, John [Irving.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]

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Carbone, Chad [Carbone.Chad@epa.gov]; Trombadore, Claire [Trombadore.Claire@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Melcher, John [Melcher.John@epa.gov]; OCE DIVISION DIRECTORS AND ASSOCIATE DIRECTORS [OCEDIVISIONDIRECTORSANDASSOCIATEDIRECTORS@epa.gov]; Bellot, Michael [Bellot.Michael@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; McCray, Deborah [Mccray.Deborah@epa.gov]; Tozzi, Lauren [Tozzi.Lauren@epa.gov]; McKeever, Michele [McKeever.Michele@epa.gov]; Kudla, Courtney [kudla.courtney@epa.gov]

Attachments: FINAL Draft Update of COVID-19 Inspection Guidelines for ECAD Director Discussion on April 15.pdf;

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Location: Conference call

Start: 4/15/2020 7:00:00 PM

End: 4/15/2020 8:00:00 PM

Recurrence: (none)

Update with agenda. See below.

Ex. 6 Personal Privacy (PP) (Dial-in Number)

Conference ID: Ex. 6 Personal Privacy (PP)

Agenda

Ex. 5 Deliberative Process (DP)

To: Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Irving, John [Irving.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]

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Location: Conference call

Start: 4/29/2020 7:00:00 PM

End: 4/29/2020 8:00:00 PM

Recurrence: (none)

Hi all, another full agenda for today. If you have a few minutes, please consider the questions in red below. Thanks.

Ex. 6 Personal Privacy (PP) (Dial-in Number)

Conference ID: **Ex. 6 Personal Privacy (PP)**

- **Agenda**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative process

To: Sutin, Elyana [Sutin.Elyana@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Irving, John [Irving.John@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]

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Subject: ED/RC COVID-19 Update Call: [REDACTED] **Ex. 6 Personal Privacy (PP)**

Attachments: Executive Order -- COVID (5-19-20).pdf; [REDACTED] **Ex. 5 Deliberative Process (DP)**

Location: [REDACTED] **Ex. 5 Deliberative Process (DP)**
Conference call

Start: 5/20/2020 7:00:00 PM

End: 5/20/2020 8:00:00 PM

Show Time As: Busy

Recurrence: (none)

All, it looks like the invitation update from last night did not take. Please use the connection information below for the call today. Thanks.

Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Denver (Toll)

Conference ID: [REDACTED] **Ex. 6 Personal Privacy (PP)**

- Agenda

Ex. 5 Deliberative Process (DP)

Appointment

From: Idsal, Anne [idsal.anne@epa.gov]
Sent: 3/25/2020 8:27:04 PM
To: Idsal, Anne [idsal.anne@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]

Subject: Copy: Request for Emergency Relief from Step 1 Prohibition on Sell- through (wood heaters) (COVID-19)

Attachments: RE: Request for Emergency Relief from Step 1 Prohibition on Sell-Through (COVID-19)

Location: Ex. 6 Personal Privacy (PP)

Start: 3/27/2020 9:00:00 PM

End: 3/27/2020 9:45:00 PM

Show Time As: Busy



RE: Request for
Emergency Relie...

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Hindin, David[Hindin.David@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]
Cc: Shiffman, Cari[Shiffman.Cari@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]; Tran, Victoria[tran.victoria@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 3/27/2020 10:24:53 PM (UTC)
Subject: FW: OECA response FW: Additional Chad points
[response to NTCs and RTOCs.docx](#)

See attached my edits to Chad’s message.

Comments welcome. He would like to get this out ASAP but understands that probably means Monday.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Friday, March 27, 2020 5:43 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Mason, Scott <Mason.Scott@epa.gov>
Subject: FW: OECA response FW: Additional Chad points

Susan, Let us know your comments.

Thanks Chad

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600



From: Wright, Felicia <Wright.Felicia@epa.gov>
Sent: Friday, March 27, 2020 4:21 PM
To: Lieberman, Paige <Lieberman.Paige@epa.gov>
Cc: Byrne, Andrew <Byrne.Andrew@epa.gov>
Subject: OECA response FW: Additional Chad points
Importance: High

Paige
A few addendums:

Chad wants this ONLY to go to NTC and RTOCs.

Short and sweet
A message that companies are still expected to comply with all environmental regulations.

And....see below.

Thanks,
Felicia

From: Mason, Scott
Sent: Friday, March 27, 2020 4:17 PM
To: Wright, Felicia <Wright.Felicia@epa.gov>
Subject: Fwd:

Sent from my iPhone
Begin forwarded message:

From: "McIntosh, Chad" <mcintosh.chad@epa.gov>
Date: March 27, 2020 at 3:08:37 PM CDT
To: "Mason, Scott" <Mason.Scott@epa.gov>

Response points

Ex. 5 Deliberative Process (DP)

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600

To: Barnet, Henry[Barnet.Henry@epa.gov]; Mazakas, Pam[Mazakas.Pam@epa.gov]; Fisher, Mike[Fisher.Mike@epa.gov]
Cc: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Wed 3/25/2020 8:30:24 PM (UTC)
Subject: FW: EPA COVID-19 Memo Proposed Edits
ENRD Suggested Edits to COVID19 Policy final draft.docx

Suggestions on crim paragraph

From: Buschbacher, Michael (ENRD) <Michael.Buschbacher@usdoj.gov>
Sent: Wednesday, March 25, 2020 4:09 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>; Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>; bruce.gelber@usdoj.gov; Williams, Jean (ENRD) <Jean.Williams@usdoj.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: EPA COVID-19 Memo Proposed Edits

Thanks, Susan.

Please find attached our minimal final suggestions.

Best regards,
Michael

Michael B. Buschbacher
(202) 598-1974

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 2:54 PM
To: Buschbacher, Michael (ENRD) <MBuschbach@ENRD.USDOJ.GOV>
Cc: Clark, Jeffrey (ENRD) <JClark@ENRD.USDOJ.GOV>; Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>; Gelber, Bruce (ENRD) <BGelber@ENRD.USDOJ.GOV>; Williams, Jean (ENRD) <JWilliams@ENRD.USDOJ.GOV>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: EPA COVID-19 Memo Proposed Edits

Thank you for the comments.

Here is the current version. On disclaimer language, we did work with OGC. We don't usually put disclaimers in no action assurances because we want people to know they can rely on it so the disclaimer language is modified.

Rather than speaking for DOJ, the memo says we will coordinate:

Ex. 5 AC/AWP/DP

From: Buschbacher, Michael (ENRD) <Michael.Buschbacher@usdoj.gov>
Sent: Tuesday, March 24, 2020 12:04 AM
To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Clark, Jeffrey (ENRD) <jbc1@usdoj.gov>; Brightbill, Jonathan (ENRD) <Jonathan.Brightbill@usdoj.gov>;
bruce.gelber@usdoj.gov; Williams, Jean (ENRD) <Jean.Williams@usdoj.gov>

Subject: EPA COVID-19 Memo Proposed Edits

Dear Susan,

Please find attached ENRD's proposed edits to the COVID-19 email.

Please let me know if you have any questions or run into any issues.

Best regards,
Michael

Michael B. Buschbacher
Counsel to the Assistant Attorney General
U.S. Department of Justice (ENRD)
michael.buschbacher@usdoj.gov
(202) 598-1974

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Hindin, David[Hindin.David@epa.gov]
Cc: Shiffman, Cari[Shiffman.Cari@epa.gov]; Tran, Victoria[tran.victoria@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]
From: Bodine, Susan[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 3/27/2020 6:42:15 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Looks like David did the same in his email to ECOS.
Let's figure out whether this is an issue or not (i.e. do the lists work for others?)

From: Bodine, Susan
Sent: Friday, March 27, 2020 2:40 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Friday, March 27, 2020 1:19 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600
Begin forwarded message:

From: Pinu'u Stout <pstout@sfpueblo.com>
Date: March 27, 2020 at 12:18:25 PM EDT
To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>
Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>
Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone: Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]
Cc: Shiffman, Cari[Shiffman.Cari@epa.gov]; Tran, Victoria[tran.victoria@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]
From: Bodine, Susan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: Fri 3/27/2020 6:39:49 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Friday, March 27, 2020 1:19 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600
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Date: March 27, 2020 at 12:18:25 PM EDT
To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>
Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>
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Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

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Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>;

ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement

Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators

<Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators

<Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators

<Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators

<Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff

<Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts

<Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine

Assistant Administrator

Office of Enforcement and Compliance Assurance

202-564-2440

To: Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Irving, John [Irving.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Sutin, Elyana [Sutin.Elyana@epa.gov]; Irving, John [Irving.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Regional Counsels and Deputies [Regional_Counsels_and_Deputies@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]

CC: Pollins, Mark [Pollins.Mark@epa.gov]; McCray, Deborah [Mccray.Deborah@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Vizard, Elizabeth [Vizard.Elizabeth@epa.gov]; Dean, Abigail [Dean.Abigail@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Mastro, Donna [mastro.donna@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Chow, James [chow.james@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Melvin, Karen [Melvin.Karen@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Humphrey, Leslie [Humphrey.Leslie@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Russo, Rebecca [Russo.Rebecca@epa.gov]; Skelley, Dana [Skelley.Dana@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Jerison, Joanna [Jerison.Joanna@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Pane, Vickie [Pane.Vickie@epa.gov]; Newman, Keriema [Newman.Keriema@epa.gov]; Thompson, Christopher [Thompson.Christopher@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Segall, Martha [Segall.Marttha@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Carbone, Chad [Carbone.Chad@epa.gov]; Trombadore, Claire [Trombadore.Claire@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; Melcher, John [Melcher.John@epa.gov]; OCE DIVISION DIRECTORS AND ASSOCIATE DIRECTORS [OCEDIVISIONDIRECTORSANDASSOCIATEDIRECTORS@epa.gov]; Bellot, Michael [Bellot.Michael@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Tozzi, Lauren [Tozzi.Lauren@epa.gov]; Mckeever, Michele [Mckeever.Michele@epa.gov]; Kudla, Courtney [kudla.courtney@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Gardner, Monica [Gardner.Monica@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; McCray, Deborah [Mccray.Deborah@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Vizard, Elizabeth [Vizard.Elizabeth@epa.gov]; Dean, Abigail [Dean.Abigail@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Mastro, Donna [mastro.donna@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Davies, Lauris [Davies.Lauris@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Chow, James [chow.james@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]; Melvin, Karen [Melvin.Karen@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Humphrey, Leslie [Humphrey.Leslie@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Russo, Rebecca [Russo.Rebecca@epa.gov]; Skelley, Dana [Skelley.Dana@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Jerison, Joanna [Jerison.Joanna@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Pane, Vickie [Pane.Vickie@epa.gov]; Newman, Keriema [Newman.Keriema@epa.gov]; Thompson, Christopher [Thompson.Christopher@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Shiffman, Cari

[Shiffman.Cari@epa.gov]; Mirza, Sabah [Mirza.Sabah@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Carbone, Chad [Carbone.Chad@epa.gov]; Trombadore, Claire [Trombadore.Claire@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; Melcher, John [Melcher.John@epa.gov]; OCE DIVISION DIRECTORS AND ASSOCIATE DIRECTORS [OCEDIVISIONDIRECTORSANDASSOCIATEDIRECTORS@epa.gov]; Bellot, Michael [Bellot.Michael@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Tozzi, Lauren [Tozzi.Lauren@epa.gov]; Mckeever, Michele [Mckeever.Michele@epa.gov]; Kudla, Courtney [kudla.courtney@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Holmes, Carol [Holmes.Carol@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Gardner, Monica [Gardner.Monica@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]

Location: Conference call

Start: 4/29/2020 7:00:00 PM

End: 4/29/2020 8:00:00 PM

Show Time As: Busy

Recurrence: (none)

Hi all, another full agenda for today. If you have a few minutes, please consider the questions in red below. Thanks.

Ex. 6 Personal Privacy (PP) (Dial-in
Number)

Conference ID: **Ex. 6 Personal Privacy (PP)**

- **Agenda**

Ex. 5 Deliberative Process (DP)

Ex. 6 Personal Privacy (PP)

Ex. 5 Deliberative Process (DP)

To: Shiffman, Cari[Shiffman.Cari@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]
Cc: Dean, Abigail[Dean.Abigail@epa.gov]
From: Mirza, Sabah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=816BF1F9B67D4892BDAC00DE2EABDA3F-MIRZA, SABAH]
Sent: Tue 3/24/2020 2:44:01 AM (UTC)
Subject: RE: ED/RC topic: Covid-19 Lanyard imports
Mar Joint ED RC Call Agenda V3.docx

Adding one more item under COVID-19: EPA PPE Donations

Thanks,
Sabah

~~~~~  
Sabah Mirza, Special Assistant  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW, 3207E WJC South  
Washington, DC 20460  
Office: 202-564-8176

---

**From:** Mirza, Sabah  
**Sent:** Monday, March 23, 2020 10:34 PM  
**To:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>  
**Cc:** Dean, Abigail <Dean.Abigail@epa.gov>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Hi all,

Please see updated agenda with Kathleen, Cari and Joe’s updates.

Joe, should we add a little more meat to the description? Or what you see below is fine?

- 1. **SEMM Follow-Up Items** (25 min)
  - **Topic Leader:** Susan Bodine, OECA
- 1. **Description:** Please take a look at the SEMM follow-up tracking sheet.
  - How should we Prioritize follow up items
- 1. **Materials:** SEMM Follow-up Tracking Sheet

And also, do you think we should add this table to the materials for the COVID-19 topic? Per Kathleen’s request, I have added a topic under ‘pesticide’.

| Current Inventory                                            |        |    |    |    |     |    |    |       |     |     |      |       |
|--------------------------------------------------------------|--------|----|----|----|-----|----|----|-------|-----|-----|------|-------|
| Item                                                         | Region |    |    |    |     |    |    |       |     |     |      | Total |
|                                                              | R1     | R2 | R3 | R4 | R5  | R6 | R7 | R8    | R9  | R10 | NEIC |       |
| N-95 Masks                                                   |        |    |    |    | 600 |    |    | 3500  | 100 |     |      | 4200  |
| Respirators                                                  |        |    |    |    |     |    |    | 50    |     |     |      | 50    |
| Respirator Cartridges                                        |        |    |    |    | 350 |    |    | 350   |     |     |      | 700   |
| Gloves (pairs Nitrile/Latex)                                 |        |    |    |    |     |    |    | 20000 | 400 |     |      | 20400 |
| Booties (pairs)                                              |        |    |    |    |     |    |    | 0     |     |     |      | 0     |
| Gowns/Shop Coats                                             |        |    |    |    |     |    |    | 10    |     |     |      | 10    |
| Eye Goggles                                                  |        |    |    |    |     |    |    | 30    |     |     |      | 30    |
| Field-ready inspectors with currently-valid Fit-Test         |        |    |    |    |     |    |    |       | 2.5 |     |      | 2.5   |
| Field-ready inspectors that could receive Fit-Test if needed |        |    |    |    |     |    |    |       | 47  |     |      | 47    |

| Current Needs List                                           |        |    |    |    |    |    |    |    |     |     |      |       |
|--------------------------------------------------------------|--------|----|----|----|----|----|----|----|-----|-----|------|-------|
| Item                                                         | Region |    |    |    |    |    |    |    |     |     |      | Total |
|                                                              | R1     | R2 | R3 | R4 | R5 | R6 | R7 | R8 | R9  | R10 | NEIC |       |
| N-95 Masks                                                   |        |    |    |    |    |    |    |    | 150 |     |      | 150   |
| Respirators                                                  |        |    |    |    |    |    |    |    |     |     |      | 0     |
| Respirator Cartridges                                        |        |    |    |    |    |    |    |    |     |     |      | 0     |
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| Gowns/Shop Coats                                             |        |    |    |    |    |    |    |    |     |     |      | 0     |
| Eye Goggles                                                  |        |    |    |    |    |    |    |    |     |     |      | 0     |
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**Sent:** Friday, March 20, 2020 1:10 PM  
**To:** Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>  
**Cc:** LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Gorman, John <Gorman.John@epa.gov>; Pane, Vickie <Pane.Vickie@epa.gov>  
**Subject:** Covid-19 Lanyard imports

Hi Joe,

We would like add this topic to discuss on the next ED/ OECA call on Wed.

Johnny Chiang  
Strategic Integration Manager  
U.S. Environmental Protection Agency Region 2  
Enforcement & Compliance Assurance Division  
290 Broadway, 21<sup>st</sup> Fl  
New York, NY 10007  
212-637-4048

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# Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference

March 25, 2020, 2:00-3:30 pm Eastern Time

Call-In: Ex. 6 Personal Privacy (PP), ID Ex. 6 Personal Privacy (PP)

## DRAFT AGENDA

### 1) General Updates - COVID-19 (20 minutes)

- **Topic Leader:** Susan Bodine, OECA
- **Description:**
  - Covid-19 Lanyard imports (R2)
  - How the regions are handling enforcement discretion questions/issues?
    - Enforcement Responses/OCE Options Paper
    - **Ex. 5 Deliberative Process (DP)**
    - R9: struggling with this, would be good upcoming topic
  - COVID-19 PPE and training
  - Unregistered pesticides/disinfectants
    - Notices of Arrival?
      - R9 is only receiving them in hard copy
  - Instituting the COOP/COOP calls. Who thinking about?
    - Question from Amy: how to manage within a COOP scenario?
      - R9 building is closed. Everyone is working from home. Problem is NOAs: Paper docs now. Need to fetch from mailroom; Expedited; Need to potential designate inspectors as Essential; DRA willing to designate; NOAs as Essential Function.
  - Pesticide
    - PPE and Restricted Use Pesticides: Availability of adequate PPE for workers?
  - EPA PPE Donations

### 2) Continuing the Mission: Field Employees (15 min)

- **Topic Leaders:** Larry Starfield, OECA, David Hindin, OC
- **Description:** What are Regions' plans for field personnel/inspectors? Do the Regions' have a list of items for field personnel to undertake?

### 3) Budget (5 min)

**Topic:** David Swack/Larry Starfield, OECA

**Description:** Are there any need/request for resources protective equipment? If there is an enforcement element with the request, headquarters would like to hear it.

### 4) SEMM Follow-Up Items (25 min)

- **Topic Leader:** Susan Bodine, OECA
- **Description:** Please take a look at the SEMM follow-up tracking sheet.
  - How should we Prioritize follow up items
- **Materials:** SEMM Follow-up Tracking Sheet

### 5) Mobile Source NCI and tracking system demo (15 min)

## Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference

March 25, 2020, 2:00-3:30 pm Eastern Time

### Ex. 6 Personal Privacy (PP)

- **Topic Leader:** Evan Belser, OCE; Lauren Tozzi, OCE
- **Description:** Overview of the Ex. 7(A) SharePoint Site
  - Will highlight two key databases for aftermarket practitioners: Ex. 7(A)
  - Will also highlight training modules and outreach resources for states and third parties.

#### 6) Civil/Criminal Coordination Policy (5 min)

- **Topic Leader:** Pam Mazakas, OCEFT
  - **Description:** Please review the Civil/Criminal Coordination Policy training module and let us know if you have any overall concerns. Please take a look at the email sent out on Mar 13, 2020 by Sabah Mirza, with a link to a short survey. Each region should submit one survey.
  - Deadline has been extended to April 30.
  - Are there any questions about the survey or the training module that we can answer now?

#### 7) Optional Regional Roundtable (5 min)

- Any additional feedback on the topics discussed today?

### Potential Topics for Future ED/RC Calls

1. Regular standing item: Budget (i.e., FCR, RBAC, and reconstitute)
  2. Comparing FTE information from OCFO, OLEM, OECA
  3. Updated RCRA Compliance Monitoring Strategy
  4. Targeting
  5. Ex. 7(A)
- NCI Strategy Presentations
- a. April 22<sup>nd</sup> Mobile

**To:** Shiffman, Cari[Shiffman.Cari@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]  
**Cc:** Dean, Abigail[Dean.Abigail@epa.gov]  
**From:** Mirza, Sabah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=816BF1F9B67D4892BDAC00DE2EABDA3F-MIRZA, SABAH]  
**Sent:** Tue 3/24/2020 2:33:45 AM (UTC)  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports  
Mar Joint ED RC Call Agenda V3.docx

Hi all,

Please see updated agenda with Kathleen, Cari and Joe’s updates.

Joe, should we add a little more meat to the description? Or what you see below is fine?

- 1. **SEMM Follow-Up Items** (25 min)
  - **Topic Leader:** Susan Bodine, OECA
  - 1. **Description:** Please take a look at the SEMM follow-up tracking sheet.
    - How should we Prioritize follow up items
  - 1. **Materials:** SEMM Follow-up Tracking Sheet

And also, do you think we should add this table to the materials for the COVID-19 topic? Per Kathleen’s request, I have added a topic under ‘pesticide’.

Ex. 7(A)

Thanks,  
Sabah

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Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

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ED\_004611E\_00004551-00004

OECA COVID-19 2020  
FOIAs\_Production006

**Cc:** LaPosta, Dore <[LaPosta.Dore@epa.gov](mailto:LaPosta.Dore@epa.gov)>; Anderson, Kate <[Anderson.Kate@epa.gov](mailto:Anderson.Kate@epa.gov)>; Gorman, John <[Gorman.John@epa.gov](mailto:Gorman.John@epa.gov)>;  
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## Ex. 6 Personal Privacy (PP)

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  - Instituting the COOP/COOP calls. Who thinking about?
    - Question from Amy: how to manage within a COOP scenario?
      - R9 building is closed. Everyone is working from home. Problem is NOAs: Paper docs now. Need to fetch from mailroom; Expedited; Need to potential designate inspectors as Essential; DRA willing to designate; NOAs as Essential Function.
  - Pesticide
    - PPE and Restricted Use Pesticides: Availability of adequate PPE for workers?

#### 2) Continuing the Mission: Field Employees (15 min)

- **Topic Leaders:** Larry Starfield, OECA, David Hindin, OC
- **Description:** What are Regions' plans for field personnel/inspectors? Do the Regions' have a list of items for field personnel to undertake?

#### 3) Budget (5 min)

**Topic:** David Swack/Larry Starfield, OECA

**Description:** Are there any need/request for resources protective equipment? If there is an enforcement element with the request, headquarters would like to hear it.

#### 4) SEMM Follow-Up Items (25 min)

- **Topic Leader:** Susan Bodine, OECA
- **Description:** Please take a look at the SEMM follow-up tracking sheet.
  - How should we Prioritize follow up items
- **Materials:** SEMM Follow-up Tracking Sheet

#### 5) Mobile Source NCI and tracking system demo (15 min)

- **Topic Leader:** Evan Belser, OCE; Lauren Tozzi, OCE

## Joint Enforcement Directors and Regional Counsel Monthly Video Teleconference

March 25, 2020, 2:00-3:30 pm Eastern Time

### Ex. 6 Personal Privacy (PP)

- **Description:** Overview of the Ex. 7(A) SharePoint Site
  - Will highlight two key databases for Ex. 7(A)
  - Will also highlight training modules and outreach resources for states and third parties.

#### 6) Civil/Criminal Coordination Policy (5 min)

- **Topic Leader:** Pam Mazakas, OCEFT
  - **Description:** Please review the Civil/Criminal Coordination Policy training module and let us know if you have any overall concerns. Please take a look at the email sent out on Mar 13, 2020 by Sabah Mirza, with a link to a short survey. Each region should submit one survey.
  - Deadline has been extended to April 30.
  - Are there any questions about the survey or the training module that we can answer now?

#### 7) Optional Regional Roundtable (5 min)

- Any additional feedback on the topics discussed today?

#### Potential Topics for Future ED/RC Calls

1. Regular standing item: Budget (i.e., FCR, RBAC, and reconstitute)
  2. Comparing FTE information from OCFO, OLEM, OECA
  3. Updated RCRA Compliance Monitoring Strategy
  4. Targeting
  5. Defeat devices and diesel trucks
- NCI Strategy Presentations
- a. April 22<sup>nd</sup> Mobile

**To:** Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]  
**Cc:** Dean, Abigail[Dean.Abigail@epa.gov]  
**From:** Mirza, Sabah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=816BF1F9B67D4892BDAC00DE2EABDA3F-MIRZA, SABAH]  
**Sent:** Tue 3/24/2020 2:29:42 AM (UTC)  
**Subject:** RE: ED/RC topic: Covid-19

Kathleen, I've added the topic as:

- Pesticide
  - PPE and Restricted Use Pesticides: Availability of adequate PPE for workers?

Although we have a separate budget topic where Larry wants to talk about it. Let's keep it at both levels as budget topic may be a separate discussion.

I'm going to respond to the other chain of emails so we are all on the same version.

Thanks,  
Sabah

~~~~~  
Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Monday, March 23, 2020 5:36 PM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: ED/RC topic: Covid-19

One more COVID issue that we should include under the pesticide heading:
PPE and Restricted Use Pesticides: Availability of adequate PPE for workers?

Also Joe, if you can't hear from the regions on the PPE survey, don't sweat it – we will talk about it on the Wednesday ED/RC call – which might be better.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Sent: Monday, March 23, 2020 4:08 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>
Cc: Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: ED/RC topic: Covid-19

Thanks for the great collation, Kathleen. Sabah, let me know if you need a hand with the agenda finalization. Thanks, Joe

Joe Wilwerding

OECA Lead Region Coordinator

USEPA Region 8, Enforcement and Compliance Assurance Division

1595 Wynkoop Street, Denver, CO 80202-1129

O: 303-312-6729, Ex. 6 Personal Privacy (PP) wilwerding.joseph@epa.gov

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Monday, March 23, 2020 2:05 PM

To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>

Cc: Dean, Abigail <Dean.Abigail@epa.gov>

Subject: RE: ED/RC topic: Covid-19

Thanks Joe,

I would put the Lanyard imports question in proximity to the unregistered pesticides item and Notice of Arrival as they all deal with imports. Also, the OCE Options paper has morphed into the enforcement discretion memo that will likely go out tomorrow. So I would refer to that set of issues as Enforcement Discretion. For the PPE one, I would add "what is our capability of sending properly equipped inspectors in the field in acute situations?"

Thank you!

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>

Sent: Monday, March 23, 2020 3:02 PM

To: Mirza, Sabah <Mirza.Sabah@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>

Cc: Dean, Abigail <Dean.Abigail@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: ED/RC topic: Covid-19

Hi Sabah/Cari, we collected the topics below on the last COVID-19 call as topics for this week. We should make sure we have COVID-19 sub-bullets in our ED/RC agenda for all of the main-bullet items below, I think. Thanks, Joe/Abby

- Agenda
 - Covid-19 Lanyard imports (R2)
 - How the regions are handling enforcement discretion questions/issues?
 - [Enforcement Responses/OCE Options Paper](#)
 - **Ex. 5 Deliberative Process (DP)**
 - R9: struggling with this, would be good upcoming topic
 - COVID-19 PPE and training
 - Unregistered pesticides/disinfectants
 - Notices of Arrival?
 - R9 is only receiving them in hard copy
 - Instituting the COOP/COOP calls. Who thinking about?
 - Amy: how to manage within a COOP scenario. R9 bldg closed. Everyone working from home. Problem is NOAs: paper docs now, need to fetch from mailroom. Expedited. Need to potential designate inspectors as Essential. DRA willing to designate. NOAs as Essential Function.

Joe Wilwerding

OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP), wilwerding.joseph@epa.gov

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Monday, March 23, 2020 11:22 AM
To: Mirza, Sabah <Mirza.Sabah@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: ED/RC topic: Covid-19 Lanyard imports

I know Larry was very interested in getting an idea of what kind of PPE was available to regional personnel. Joe, if we can't get a survey out, can we tell the regions we will poll during the call?

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Monday, March 23, 2020 1:14 PM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: ED/RC topic: Covid-19 Lanyard imports

Added. See attached. Cari, please send me update so I can send it to Susan tonight for her review.

I actually do need to change each version for keeping track. I'll try to see if we can do something for next month.

Thanks,
Sabah

~~~~~

Sabah Mirza, Special Assistant  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW, 3207E WJC South  
Washington, DC 20460  
Office: 202-564-8176

---

**From:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Sent:** Monday, March 23, 2020 1:08 PM  
**To:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** ED/RC topic: Covid-19 Lanyard imports

Hi Sabah, can you add Covid-19 Lanyard imports to the COVID-19 topic for Wed? Thx

## Joe Wilwerding

OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729, Ex. 6 Personal Privacy (PP), [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

ED\_004611E\_00004553-00003

OECA COVID-19 2020  
FOIAs\_Production006

---

**From:** Chiang, Johnny <[Chiang.Johnny@epa.gov](mailto:Chiang.Johnny@epa.gov)>

**Sent:** Friday, March 20, 2020 1:10 PM

**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>

**Cc:** LaPosta, Dore <[LaPosta.Dore@epa.gov](mailto:LaPosta.Dore@epa.gov)>; Anderson, Kate <[Anderson.Kate@epa.gov](mailto:Anderson.Kate@epa.gov)>; Gorman, John <[Gorman.John@epa.gov](mailto:Gorman.John@epa.gov)>;  
Pane, Vickie <[Pane.Vickie@epa.gov](mailto:Pane.Vickie@epa.gov)>

**Subject:** Covid-19 Lanyard imports

Hi Joe,

We would like add this topic to discuss on the next ED/ OECA call on Wed.

Johnny Chiang

Strategic Integration Manager

U.S. Environmental Protection Agency Region 2

Enforcement & Compliance Assurance Division

290 Broadway, 21<sup>st</sup> Fl

New York, NY 10007

212-637-4048

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**To:** TEDs\_R10\_ANVs[TEDs\_R10\_ANVs@epa.gov]; TEDs\_R10\_L48[TEDs\_R10\_L48@epa.gov];  
TEDs\_R9[TEDs\_R9@epa.gov]  
**Cc:** Binder, Jonathan[Binder.Jonathan@epa.gov]  
**From:** Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP  
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]  
**Sent:** Thur 3/26/2020 9:30:03 PM (UTC)  
**Subject:** FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone Ex. 6 Personal Privacy (PP)  
Johnson.kathleen@epa.gov

---

**From:** Bodine, Susan <bodine.susan@epa.gov>  
**Sent:** Thursday, March 26, 2020 4:19 PM  
**To:** OECA All <OECA\_All@epa.gov>; Regional Counsels and Deputies <Regional\_Counsels\_and\_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD\_Directors\_and\_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement\_Coordinators@epa.gov>; Leadership\_Assistant\_Administrators <Leadership\_Assistant\_Administrators@epa.gov>; Leadership\_Deputy\_Assistant\_Administrators <Leadership\_Deputy\_Assistant\_Administrators@epa.gov>; Leadership\_Regional\_Administrators <Leadership\_Regional\_Administrators@epa.gov>; Leadership\_Deputy\_Regional\_Administrators <Leadership\_Deputy\_Regional\_Administrators@epa.gov>; Regional Enforcement Staff <Regional\_Enforcement\_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional\_Enforcement\_Manager\_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>  
**Subject:** COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
202-564-2440

**To:** Johnson, Kathleen[Johnson.Kathleen@epa.gov]  
**From:** Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]  
**Sent:** Fri 3/27/2020 9:01:18 PM (UTC)  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Important clarification. Thanks.

**From:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>  
**Sent:** Friday, March 27, 2020 4:50 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>  
**Cc:** Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

OK

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone Ex. 6 Personal Privacy (PP)  
Johnson.kathleen@epa.gov

**From:** Bodine, Susan <bodine.susan@epa.gov>  
**Sent:** Friday, March 27, 2020 4:12 PM  
**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>  
**Cc:** Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I agreed Chad and I would do a joint response

**From:** Bodine, Susan  
**Sent:** Friday, March 27, 2020 2:51 PM  
**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>  
**Cc:** Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

**From:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>  
**Sent:** Friday, March 27, 2020 2:48 PM  
**To:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>  
**Cc:** Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program



Whew, breathing again.

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone 4 Ex. 6 Personal Privacy (PP)  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Friday, March 27, 2020 2:48 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Irving, John <[Irving.John@epa.gov](mailto:Irving.John@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>  
**Cc:** Tran, Victoria <[tran.victoria@epa.gov](mailto:tran.victoria@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

---

**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Friday, March 27, 2020 2:46 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Irving, John <[Irving.John@epa.gov](mailto:Irving.John@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>  
**Cc:** Tran, Victoria <[tran.victoria@epa.gov](mailto:tran.victoria@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Lesson learned that we should have bcc'd. Let me check if they work outside of the agency.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

---

**From:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Sent:** Friday, March 27, 2020 2:42 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Irving, John <[Irving.John@epa.gov](mailto:Irving.John@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Tran, Victoria <[tran.victoria@epa.gov](mailto:tran.victoria@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Subject:** RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Looks like David did the same in his email to ECOS.  
Let's figure out whether this is an issue or not (i.e. do the lists work for others?)

---

**From:** Bodine, Susan  
**Sent:** Friday, March 27, 2020 2:40 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Irving, John <[Irving.John@epa.gov](mailto:Irving.John@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Tran, Victoria <[tran.victoria@epa.gov](mailto:tran.victoria@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Subject:** FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

---

**From:** McIntosh, Chad <[mcintosh.chad@epa.gov](mailto:mcintosh.chad@epa.gov)>  
**Sent:** Friday, March 27, 2020 1:19 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Subject:** Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh  
Assistant Administrator  
International and Tribal Affairs  
United States Environmental Protection Agency  
202-564-6600  
Begin forwarded message:

**From:** Pinu'u Stout <[pstout@sfpueblo.com](mailto:pstout@sfpueblo.com)>  
**Date:** March 27, 2020 at 12:18:25 PM EDT  
**To:** "Johnson, Kathleen" <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** "McIntosh, Chad" <[mcintosh.chad@epa.gov](mailto:mcintosh.chad@epa.gov)>, "Nishida, Jane" <[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)>, "Mason, Scott" <[Mason.Scott@epa.gov](mailto:Mason.Scott@epa.gov)>, "Wright, Felicia" <[Wright.Felicia@epa.gov](mailto:Wright.Felicia@epa.gov)>, "Byrne, Andrew" <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>, EPA HICS <[EPA\\_HICS@epa.gov](mailto:EPA_HICS@epa.gov)>, EPA RICS <[RICS@epa.gov](mailto:RICS@epa.gov)>, "Binder, Jonathan" <[Binder.Jonathan@epa.gov](mailto:Binder.Jonathan@epa.gov)>  
**Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program**

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>

**Sent:** Thursday, March 26, 2020 3:24:52 PM

**Cc:** McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

**Subject:** FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone: Ex. 6 Personal Privacy (PP)

[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>

**Sent:** Thursday, March 26, 2020 4:19 PM

**To:** OECA All <[OECA\\_All@epa.gov](mailto:OECA_All@epa.gov)>; Regional Counsels and Deputies <[Regional\\_Counsels\\_and\\_Deputies@epa.gov](mailto:Regional_Counsels_and_Deputies@epa.gov)>; ECAD Directors and Deputies-Designees <[ECAD\\_Directors\\_and\\_Deputies-Designees@epa.gov](mailto:ECAD_Directors_and_Deputies-Designees@epa.gov)>; Enforcement Coordinators <[Enforcement\\_Coordinators@epa.gov](mailto:Enforcement_Coordinators@epa.gov)>; Leadership\_Assistant\_Administrators <[Leadership\\_Assistant\\_Administrators@epa.gov](mailto:Leadership_Assistant_Administrators@epa.gov)>; Leadership\_Deputy\_Assistant\_Administrators <[Leadership\\_Deputy\\_Assistant\\_Administrators@epa.gov](mailto:Leadership_Deputy_Assistant_Administrators@epa.gov)>; Leadership\_Regional\_Administrators <[Leadership\\_Regional\\_Administrators@epa.gov](mailto:Leadership_Regional_Administrators@epa.gov)>; Leadership\_Deputy\_Regional\_Administrators <[Leadership\\_Deputy\\_Regional\\_Administrators@epa.gov](mailto:Leadership_Deputy_Regional_Administrators@epa.gov)>; Regional Enforcement Staff <[Regional\\_Enforcement\\_Staff@epa.gov](mailto:Regional_Enforcement_Staff@epa.gov)>; Regional Enforcement Manager Contacts <[Regional\\_Enforcement\\_Manager\\_Contacts@epa.gov](mailto:Regional_Enforcement_Manager_Contacts@epa.gov)>; Gunasekara, Mandy <[gunasekara.Mandy@epa.gov](mailto:gunasekara.Mandy@epa.gov)>

**Subject:** COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine

Assistant Administrator

Office of Enforcement and Compliance Assurance

202-564-2440

**To:** Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]  
**Cc:** Dean, Abigail[Dean.Abigail@epa.gov]  
**From:** Shiffman, Cari[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=645F74D11EEC4EBA9337CB5734AD6098-SHIFFMAN, CARI]  
**Sent:** Mon 3/23/2020 9:26:57 PM (UTC)  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports  
Mar Joint ED RC Call Agenda V2 DRAFT.docx

Additional feedback and comments.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Ex. 6 Personal Privacy (PP)

---

**From:** Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>  
**Sent:** Monday, March 23, 2020 1:33 PM  
**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Hindin, David <Hindin.David@epa.gov>  
**Cc:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Hi Kathleen, agreed. Let’s put it on the agenda. Our deadline for info on N-95 masks was COB today, other COB tmr. I’ll tie you into the David Hindin group communications now. Thx, Joe

**Joe Wilwerding**  
OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729, Ex. 6 Personal Privacy (PP) wilwerding.joseph@epa.gov

---

**From:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>  
**Sent:** Monday, March 23, 2020 11:30 AM  
**To:** Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Hindin, David <Hindin.David@epa.gov>  
**Cc:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Ex. 6 Personal Privacy (PP)  
Johnson.kathleen@epa.gov

---

**From:** Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>  
**Sent:** Monday, March 23, 2020 1:26 PM  
**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>  
**Cc:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Hi Kathleen, we’re working with David Hindin and group now on this issue, and we currently have a poll in place. See attached for current progress. Let me know if you have additional questions, J

## Joe Wilwerding

OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729, Ex. 6 Personal Privacy (PP) [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

---

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, March 23, 2020 11:22 AM  
**To:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>; Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

I know Larry was very interested in getting an idea of what kind of PPE was available to regional personnel. Joe, if we can't get a survey out, can we tell the regions we will poll during the call?

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Ex. 6 Personal Privacy (PP)  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Sent:** Monday, March 23, 2020 1:14 PM  
**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Added. See attached. Cari, please send me update so I can send it to Susan tonight for her review.

I actually do need to change each version for keeping track. I'll try to see if we can do something for next month.

Thanks,  
Sabah

~~~~~  
Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Sent: Monday, March 23, 2020 1:08 PM
To: Mirza, Sabah <Mirza.Sabah@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: ED/RC topic: Covid-19 Lanyard imports

Hi Sabah, can you add Covid-19 Lanyard imports to the COVID-19 topic for Wed? Thx

Joe Wilwerding

OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
ED_004611E_00004582-00002

1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, [Ex. 6 Personal Privacy \(PP\)](#), wilwerding.joseph@epa.gov

From: Chiang, Johnny <Chiang.Johnny@epa.gov>
Sent: Friday, March 20, 2020 1:10 PM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Cc: LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Gorman, John <Gorman.John@epa.gov>;
Pane, Vickie <Pane.Vickie@epa.gov>
Subject: Covid-19 Lanyard imports

Hi Joe,

We would like add this topic to discuss on the next ED/ OECA call on Wed.

Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Enforcement & Compliance Assurance Division
290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

CONFIDENTIAL: This transmission may contain deliberative and/or enforcement confidential, attorney-client, or otherwise privileged material. Do not release under FOIA without appropriate review. If you have received this message in error, you are asked to notify the sender and to delete this message

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Ebbert, Laura[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31AF433DED4F4E8EB90D37BF938A7C43-LEBBERT]
Sent: Fri 3/27/2020 6:48:59 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Hi, Kathleen.

I did not receive it, and it did not come in as “junk” either for me, so that ought to mean outsiders can’t leverage the EPA-RICS or HICs lists (thank goodness!).

On another note, I’m confirming we sent to pacific territory governments yesterday.

L

Laura Ebbert
Director
Tribal, Intergovernmental, and Policy Division
US EPA, Region 9

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 11:46 AM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Subject: FW: COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program

Laura,
Did you receive this? I’m trying to see if anyone outside EPA can access the group lists.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone 4 Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Pinu'u Stout <pstout@sfpueblo.com>
Sent: Friday, March 27, 2020 12:20 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: Re: COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone 4 Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine

Assistant Administrator

Office of Enforcement and Compliance Assurance

202-564-2440

Cc: McIntosh, Chad[mcintosh.chad@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Mason, Scott[Mason.Scott@epa.gov]; Wright, Felicia[Wright.Felicia@epa.gov]; Byrne, Andrew[Byrne.Andrew@epa.gov]; EPA HICS[EPA_HICS@epa.gov]; EPA RICS[RICS@epa.gov]; Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Thur 3/26/2020 9:24:52 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Murphy, Stacy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D68C09AE4C84B2B8579E6E79507AC77-MURPHY, STACY]
Sent: Fri 3/27/2020 2:36:55 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Yep....we're in good shape. Ex. 6 Personal Privacy (PP)

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 7:35 AM
To: Murphy, Stacy <Murphy.Stacy@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thank you Stacy! You too! Ex. 6 Personal Privacy (PP) Stay safe!

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Murphy, Stacy <Murphy.Stacy@epa.gov>
Sent: Friday, March 27, 2020 10:00 AM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks Kathleen. Be well *

Stacy A. Murphy
Manager, Tribal Trust and Assistance Branch
US EPA Region 10
Phone: 206-553-2106
Email: murphy.stacy@epa.gov
Web: <https://www.epa.gov/r10-tribal>

"Most of us see the world the way we are, not the way it is."



From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:25 PM
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

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Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

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EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Binder, Jonathan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9BAE4ABE9B7414BA5D806B1B2CBDA64-JBINDE02]
Sent: Thur 3/26/2020 8:32:33 PM (UTC)
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Kathleen

I believe the following information should help you get the information out to Indian country. It might makes sense for you to call me at 202-564-2516 or Ex. 6 Personal Privacy (PP) prior to sending the message. I want to make sure I've captured/provided what is needed. Thanks

- Address the email: Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups
- OITA AA's message was distributed to Indian country (not directly to tribal leaders)
 - BCC using the EPA directory to
 - TEDs_R1 <TEDs_R1@epa.gov>; TEDs_R10_ANVs <TEDs_R10_ANVs@epa.gov>; TEDs_R10_L48 <TEDs_R10_L48@epa.gov>; TEDs_R2 <TEDs_R2@epa.gov>; TEDs_R3 <TEDs_R3@epa.gov>; TEDs_R4 <TEDs_R4@epa.gov>; TEDs_R5 <TEDs_R5@epa.gov>; TEDs_R6 <TEDs_R6@epa.gov>; TEDs_R7 <TEDs_R7@epa.gov>; TEDs_R8 <TEDs_R8@epa.gov>; TEDs_R9 <TEDs_R9@epa.gov>
- EPA-tribal partnership group list
 - Bcc the following people: Ex. 6 Personal Privacy (PP) mark.junker@sacfoxenviro.org; Restevens@cdatribe-nsn.gov; Todd.Barnell@nau.edu; fharjo@mcn-nsn.gov; Lydia.Scheer@nau.edu; bard@critfc.org; spforsyth@ucdavis.edu; nina@stewartspoint.org; fcorey@micmac-nsn.gov; Andy.Bessler@nau.edu; Wilfred.nabahe@crit-nsn.gov; slow@utemountain.org; showard@potawatomi.org; Gwagner@3rivers.net; nvpatter@esf.edu
- Cc the following EPA people (which is OITA, HQ and regional points of contact)
 - McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Felicia Wright <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 3:27 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Thank you Jonathan, that would be super helpful.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Thursday, March 26, 2020 3:19 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Ex. 5 Deliberative Process (DP) I will quickly pull update the list of tribal partnership groups and verify with OITA how they distributed their message to tribal leaders.

FYI, my computer is randomly shutting down and restarting. You can reach me via phone 202-564-2516 (rings to my cell) .

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:08 PM

To: Porter, Amy <Porter.Amy@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>

Subject: FW: OITA email to tribal governments re EPA COVID-19 Response

Amy and Jonathan,

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Johnson, Kathleen

Sent: Tuesday, March 24, 2020 11:38 AM

To: Koslow, Karin <Koslow.Karin@epa.gov>

Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 11:34 AM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>

Subject: OITA email to tribal governments re EPA COVID-19 Response

Ex. 5 Deliberative Process (DP)

Thanks,

Karin

Karin Koslow

Deputy Director, Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

Desk: (202) 564-0171

Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Stewart, Lakita <Stewart.Lakita@epa.gov> **On Behalf Of** McIntosh, Chad

Sent: Friday, March 20, 2020 8:05 PM

Cc: Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Dieu,

Martin <Dieu.Martin@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Abunassar, Elias <Abunassar.Elias@epa.gov>; Marzouk, Evonne <Marzouk.Evonne@epa.gov>; St-Denis, Francine <St-Denis.Francine@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Besougloff, Jeff <Besougloff.Jeff@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>

Subject: EPA COVID-19 Response

Dear Tribal Leaders and Tribal Environmental Directors:

The outbreak of COVID-19 has caused an unprecedented situation in communities around the world. We are reaching out to you on behalf of President Trump and Administrator Wheeler to convey that EPA is continuing to carry out our mission of protecting human health and the environment. Much of our workforce is working from home, in accordance with local and federal guidelines. However, EPA employees are equipped with the technology needed to continue operations during this time as if they were in the office.

We are actively working across our regional and program offices to identify any operational challenges and address them as efficiently as possible. If there are essential services for which EPA can provide support, please do not hesitate to reach out to your normal point of contact in your EPA Regional Office. For specific points of contact in EPA's tribal program, please visit <https://www.epa.gov/tribal/tribal-program-managers>. EPA's American Indian Environmental Office also stands ready to facilitate communications and information sharing regarding tribal concerns and agency response actions. Please feel free to contact the AIEO Office Director, Scott Mason, at mason.scott@epa.gov.

Many of you have raised concerns about disruptions to environmental program implementation, and questions about deadlines and other timelines related to your work with EPA. For example, many tribal environmental programs are actively negotiating their GAP grant workplans. We are working to provide information as soon as possible and will offer flexibility wherever we can. Please continue to share questions and information with your EPA Regional Office point of contact; we will share updates as the situation unfolds.

We want to emphasize that the health and wellbeing of you and your tribal members is the most important thing right now. This is a time to work together. Stay safe and contact EPA with any questions or concerns

Sincerely,

Chad McIntosh
Assistant Administrator
International and Tribal Affairs
Environmental Protection Agency
McIntosh.Chad@epa.gov

W. Scott Mason
Director
American Indian Environmental Office
Environmental Protection Agency
Mason.Scott@epa.gov

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Murphy, Stacy[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D68C09AE4C84B2B8579E6E79507AC77-MURPHY, STACY]
Sent: Fri 3/27/2020 1:59:54 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks Kathleen. Be well 💎

Stacy A. Murphy
Manager, Tribal Trust and Assistance Branch
US EPA Region 10
Phone: 206-553-2106
Email: murphy.stacy@epa.gov
Web: <https://www.epa.gov/r10-tribal>

"Most of us see the world the way we are, not the way it is."



From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:25 PM
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Ebbert, Laura[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31AF433DED4F4E8EB90D37BF938A7C43-LEBBERT]
Sent: Thur 3/26/2020 9:51:00 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks, we will handle it!

We are well, Ex. 6 Personal Privacy (PP) Hope you're well also. Thank you for your leadership. I was just fangirling about you yesterday with Rob Tomiak, of all people! He agrees you are fabulous!

L

Laura Ebbert
Director
Tribal, Intergovernmental, and Policy Division
US EPA, Region 9

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:50 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Hi Laura,
I hope you are well. Please go ahead and send out to the territories. I had a tribal list and a list of state associations, but I don't have a territory list. so thanks!

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone: Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Ebbert, Laura <Ebbert.Laura@epa.gov>
Sent: Thursday, March 26, 2020 5:38 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks for sending this to tribal leaders, Kathleen! Will you be doing the same for island territory governments, or should we go ahead and push it out to our partners in the Pacific?

Laura Ebbert
Director
Tribal, Intergovernmental, and Policy Division
US EPA, Region 9

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:25 PM
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

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Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Ebbert, Laura[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31AF433DED4F4E8EB90D37BF938A7C43-LEBBERT]
Sent: Thur 3/26/2020 9:37:49 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks for sending this to tribal leaders, Kathleen! Will you be doing the same for island territory governments, or should we go ahead and push it out to our partners in the Pacific?

Laura Ebbert
Director
Tribal, Intergovernmental, and Policy Division
US EPA, Region 9

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:25 PM
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Mirza, Sabah[Mirza.Sabah@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]
Cc: Dean, Abigail[Dean.Abigail@epa.gov]
From: Wilwerding, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B22A8959DB2548EB83549805319576D4-WILWERDING,]
Sent: Tue 3/24/2020 2:29:39 PM (UTC)
Subject: RE: ED/RC topic: Covid-19 Lanyard imports
Mar Joint ED RC Call Agenda V3 - JW.docx

Hi Sabah, I moved some things around per Kathleen's comments yesterday.

Would it be possible for us to work from a combined copy, so we can avoid work duplication and can always see the latest? Onedrive has been working fine, and we'd be happy to get a place on the Sharepoint set up for this purpose as well.

Please let us know. Thanks!

Joe Wilwerding

OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP) wilwerding.joseph@epa.gov

From: Mirza, Sabah <Mirza.Sabah@epa.gov>
Sent: Monday, March 23, 2020 8:34 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Cc: Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: ED/RC topic: Covid-19 Lanyard imports

Hi all,

Please see updated agenda with Kathleen, Cari and Joe's updates.

Joe, should we add a little more meat to the description? Or what you see below is fine?

Ex. 5 Deliberative Process (DP)

Current Inventory												
Item	Region											Total
	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	NEIC	
N-95 Masks					600			3500	100			4200
Respirators								50				50
Respirator Cartridges					350			350				700
Gloves (pairs Nitrile/Latex)								20000	400			20400
Booties (pairs)								0				0
Gowns/Shop Coats								10				10
Eye Goggles								30				30
Field-ready inspectors with currently-valid Fit-Test									2.5			2.5
Field-ready inspectors that could receive Fit-Test if needed									47			47

Current Needs List												
Item	Region											Total
	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	NEIC	
N-95 Masks									150			150
Respirators												0
Respirator Cartridges												0
Gloves (pairs Nitrile/Latex)												0
Booties (pairs)									150			150
Gowns/Shop Coats												0
Eye Goggles												0
Field-ready inspectors with currently-valid Fit-Test												0
Field-ready inspectors that could receive Fit-Test if needed												0

Thanks,
Sabah

~~~~~

Sabah Mirza, Special Assistant  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW, 3207E WJC South  
Washington, DC 20460  
Office: 202-564-8176

**From:** Shiffman, Cari <Shiffman.Cari@epa.gov>

**Sent:** Monday, March 23, 2020 5:44 PM

**To:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

**Cc:** Dean, Abigail <Dean.Abigail@epa.gov>

**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Yes – they are on there in a comment bubble to add!

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Ex. 6 Personal Privacy (PP)

**From:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>

**Sent:** Monday, March 23, 2020 5:44 PM

**To:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

**Cc:** Dean, Abigail <Dean.Abigail@epa.gov>

**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Cari – there were a lot more topics on this list than the one you just sent. This was the list I commented on.

# Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Monday, March 23, 2020 5:27 PM  
**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Cc:** Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Additional feedback and comments.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Ex. 6 Personal Privacy (PP)

---

**From:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Sent:** Monday, March 23, 2020 1:33 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>; Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Hi Kathleen, agreed. Let's put it on the agenda. Our deadline for info on N-95 masks was COB today, other COB tmr. I'll tie you into the David Hindin group communications now. Thx, Joe

## Joe Wilwerding

OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729, Ex. 6 Personal Privacy (PP) [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, March 23, 2020 11:30 AM  
**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>; Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

## Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Sent:** Monday, March 23, 2020 1:26 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Hi Kathleen, we're working with David Hindin and group now on this issue, and we currently have a poll in place. See attached for current progress. Let me know if you have additional questions, J

### Joe Wilwerding

OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729, Ex. 6 Personal Privacy (PP) [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

---

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, March 23, 2020 11:22 AM  
**To:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>; Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

I know Larry was very interested in getting an idea of what kind of PPE was available to regional personnel. Joe, if we can't get a survey out, can we tell the regions we will poll during the call?

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Sent:** Monday, March 23, 2020 1:14 PM  
**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Added. See attached. Cari, please send me update so I can send it to Susan tonight for her review.

I actually do need to change each version for keeping track. I'll try to see if we can do something for next month.



Thanks,  
Sabah

~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Sent: Monday, March 23, 2020 1:08 PM
To: Mirza, Sabah <Mirza.Sabah@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: ED/RC topic: Covid-19 Lanyard imports

Hi Sabah, can you add Covid-19 Lanyard imports to the COVID-19 topic for Wed? Thx

Joe Wilwerding

OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP) wilwerding.joseph@epa.gov

From: Chiang, Johnny <Chiang.Johnny@epa.gov>
Sent: Friday, March 20, 2020 1:10 PM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Cc: LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Gorman, John <Gorman.John@epa.gov>; Pane, Vickie <Pane.Vickie@epa.gov>
Subject: Covid-19 Lanyard imports

Hi Joe,

We would like add this topic to discuss on the next ED/ OECA call on Wed.

Johnny Chiang
Strategic Integration Manager
U.S. Environmental Protection Agency Region 2
Enforcement & Compliance Assurance Division
290 Broadway, 21st Fl
New York, NY 10007
212-637-4048

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Cc: Shiffman, Cari[Shiffman.Cari@epa.gov]; Johnson, Kathleen[Johnson.Kathleen@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]
From: Mirza, Sabah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=816BF1F9B67D4892BDAC00DE2EABDA3F-MIRZA, SABAH]
Sent: Tue 3/24/2020 2:45:06 AM (UTC)
Subject: RE: ED/RC topic: Covid-19 Lanyard imports

Great Thanks Joe!

Thanks,
Sabah

~~~~~

Sabah Mirza, Special Assistant  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW, 3207E WJC South  
Washington, DC 20460  
Office: 202-564-8176

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- Agenda

Ex. 5 Deliberative Process (DP)

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**Sent:** Mon 3/23/2020 9:46:34 PM (UTC)  
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ED\_004611E\_00004639-00001

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USEPA Region 8, Enforcement and Compliance Assurance Division

1595 Wynkoop Street, Denver, CO 80202-1129

O: 303-312-6729, **Ex. 6 Personal Privacy (PP)** | [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

---

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>

**Sent:** Monday, March 23, 2020 11:30 AM

**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>; Hindin, David <[Hindin.David@epa.gov](mailto:Hindin.David@epa.gov)>

**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>

**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

I think Larry is going to want to know as much as possible by the call on Wed. Did you give regions a deadline? I think it makes sense for this to be a topic of conversation under the COVID topic. If there is a wide discrepancy on what regions have what equipment, that should be discussed.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

**Ex. 6 Personal Privacy (PP)**

[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>

**Sent:** Monday, March 23, 2020 1:26 PM

**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>

**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>

**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Hi Kathleen, we're working with David Hindin and group now on this issue, and we currently have a poll in place. See attached for current progress. Let me know if you have additional questions, J

## Joe Wilwerding

OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729; [Ex. 6 Personal Privacy \(PP\)](#); [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

---

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, March 23, 2020 11:22 AM  
**To:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>; Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

I know Larry was very interested in getting an idea of what kind of PPE was available to regional personnel. Joe, if we can't get a survey out, can we tell the regions we will poll during the call?

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance

[Ex. 6 Personal Privacy \(PP\)](#)  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Mirza, Sabah <[Mirza.Sabah@epa.gov](mailto:Mirza.Sabah@epa.gov)>  
**Sent:** Monday, March 23, 2020 1:14 PM  
**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>  
**Subject:** RE: ED/RC topic: Covid-19 Lanyard imports

Added. See attached. Cari, please send me update so I can send it to Susan tonight for her review.

I actually do need to change each version for keeping track. I'll try to see if we can do something for next month.

Thanks,  
Sabah

~~~~~

Sabah Mirza, Special Assistant
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW, 3207E WJC South
Washington, DC 20460
Office: 202-564-8176

From: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Sent: Monday, March 23, 2020 1:08 PM
To: Mirza, Sabah <Mirza.Sabah@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: ED/RC topic: Covid-19 Lanyard imports

Hi Sabah, can you add Covid-19 Lanyard imports to the COVID-19 topic for Wed? Thx

Joe Wilwerding

OECA Lead Region Coordinator

USEPA Region 8, Enforcement and Compliance Assurance Division

1595 Wynkoop Street, Denver, CO 80202-1129

O: 303-312-6729, Ex. 6 Personal Privacy (PP), wilwerding.joseph@epa.gov

From: Chiang, Johnny <Chiang.Johnny@epa.gov>

Sent: Friday, March 20, 2020 1:10 PM

To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>

Cc: LaPosta, Dore <LaPosta.Dore@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>; Gorman, John <Gorman.John@epa.gov>;
Pane, Vickie <Pane.Vickie@epa.gov>

Subject: Covid-19 Lanyard imports

Hi Joe,

We would like add this topic to discuss on the next ED/ OECA call on Wed.

Johnny Chiang

Strategic Integration Manager

U.S. Environmental Protection Agency Region 2

Enforcement & Compliance Assurance Division

290 Broadway, 21st Fl

New York, NY 10007

212-637-4048

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To: TEDs_R10_ANVs[TEDs_R10_ANVs@epa.gov]; TEDs_R10_L48[TEDs_R10_L48@epa.gov];
TEDs_R9[TEDs_R9@epa.gov]
Cc: Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Thur 3/26/2020 9:30:03 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone: Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Barnet, Henry[Barnet.Henry@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Wed 3/25/2020 4:52:21 PM (UTC)
Subject: RE: Morning version

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Barnet, Henry <Barnet.Henry@epa.gov>
Sent: Wednesday, March 25, 2020 12:50 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Morning version

Kathleen -

Ex. 5 Deliberative Process (DP)

Henry E. Barnet, Director
Office of Criminal Enforcement, Forensics & Training
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
WJC South Room 1211
Washington, D.C. 20004
202.564.2480

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Wednesday, March 25, 2020 10:11 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Morning version

Good point Susan -

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Wednesday, March 25, 2020 9:23 AM

To: Koslow, Karin <Koslow.Karin@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: Morning version-

Not a redline. I highlighted the more substantive changes from last night's version.

Most importantly,

Ex. 5 Deliberative Process (DP)

Susan

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 6:07 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Subject: end of day version - enf flexibility - 3-24-20 version -

All – you should be able to click on the document link that Carol sent in the 2:01 email below and see the changes made based on our discussion this afternoon. You will know by seeing a new title for the document

DRAFT DELIBERATIVE ENFORCEMENT CONFIDENTIAL COVID-19 Interim Enforcement Policy (3/24)

Please let me know if you cannot see the updated version. It also includes language from OCSPP that Alex has signed off on.

Thanks,
Karin

Karin Koslow

Deputy Director, Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

Desk: (202) 564-0171

Cell: Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Holmes, Carol <Holmes.Carol@epa.gov>

Sent: Tuesday, March 24, 2020 2:01 PM

To: Koslow, Karin <Koslow.Karin@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

ED_004611E_00004645-00002

OECA COVID-19 2020
FOIAs_Production006

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Next Steps - 3-24-20 version -

Hello – attached is a revised version. Note this doesn't incorporate the comments Karin Leff just shared (sorry, emails crossing).

Ex. 5 Deliberative Process (DP)

Thanks, Carol

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Phone (202) 564-8709

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 12:42 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Next Steps - 3-24-20 version -

Thanks – we'll work on revising accordingly and offer up some language to address your note below as well. Is it possible to adjust the OD agenda for today so that we spend the first 15 – 10 minutes on the memo?

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 12:14 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>;

Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

I described the changes and he blessed them. So work with this redline.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 12:06 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan—

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Tuesday, March 24, 2020 10:28 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 24, 2020 9:12 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-24-20 version -

Susan—

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:57 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 8:55 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:24 AM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 24, 2020 8:07 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:20 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 23, 2020 6:17 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:07 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

ED_004611E_00004645-00006

OECA COVID-19 2020
FOIAs_Production006

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Attached adds minor edit regarding Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 10:04 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 9:49 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 2:56 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>

Sent: Sunday, March 22, 2020 1:38 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 11:32 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and added an AFO/CAFO paragraph.

From: Bodine, Susan

Sent: Sunday, March 22, 2020 10:43 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan

Sent: Saturday, March 21, 2020 9:06 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan

Sent: Saturday, March 21, 2020 8:56 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 7:32 PM

To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Saturday, March 21, 2020 7:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Saturday, March 21, 2020 5:56 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 20, 2020 5:13 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 3:09 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Bodine, Susan[bodine.susan@epa.gov]; Shiffman, Cari[Shiffman.Cari@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Irving, John[Irving.John@epa.gov]; Hindin, David[Hindin.David@epa.gov]
Cc: Tran, Victoria[tran.victoria@epa.gov]; Mirza, Sabah[Mirza.Sabah@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Fri 3/27/2020 8:50:08 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

OK

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I agreed Chad and I would do a joint response

From: Bodine, Susan
Sent: Friday, March 27, 2020 2:51 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Whew, breathing again.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone 4

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Shiffman, Cari <Shiffman.Cari@epa.gov>

Sent: Friday, March 27, 2020 2:48 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: () Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>

Sent: Friday, March 27, 2020 2:46 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Lesson learned that we should have bcc'd. Let me check if they work outside of the agency.

Thanks,

Cari Shiffman, Chief of Staff

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: () Ex. 6 Personal Privacy (PP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 27, 2020 2:42 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>

Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>

Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Friday, March 27, 2020 1:19 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh

Assistant Administrator

International and Tribal Affairs

United States Environmental Protection Agency

202-564-6600

Begin forwarded message:

From: Pinu'u Stout <pstout@sfpueblo.com>

Date: March 27, 2020 at 12:18:25 PM EDT

To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>

Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>

Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

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Thank you and wishing all of you well during this difficult time.

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Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

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Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Fri 3/27/2020 6:52:23 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

See long chain – Chad was upset about potential distribution of our email lists. Did you by any change coordinate with OITA on this before I sent it?

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 2:51 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Whew, breathing again.

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Senior Policy Advisor
Office of Enforcement and Compliance Assurance
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Johnson.kathleen@epa.gov

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Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance

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International and Tribal Affairs
United States Environmental Protection Agency
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Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Ebbert, Laura[Ebbert.Laura@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Fri 3/27/2020 6:46:07 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Laura,
Did you receive this? I'm trying to see if anyone outside EPA can access the group lists.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone: Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Pinu'u Stout <pstout@sfpueblo.com>
Sent: Friday, March 27, 2020 12:20 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
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Sent: Fri 3/27/2020 5:24:39 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

FYI

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Senior Policy Advisor
Office of Enforcement and Compliance Assurance
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Johnson.kathleen@epa.gov

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Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Kathleen - [Ex. 5 Deliberative Process (DP)]
Thank you

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Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
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Pueblo of San Felipe

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Cc: McIntosh, Chad[mcintosh.chad@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]; Mason, Scott[Mason.Scott@epa.gov]; Wright, Felicia[Wright.Felicia@epa.gov]; Byrne, Andrew[Byrne.Andrew@epa.gov]; EPA HICS[EPA_HICS@epa.gov]; EPA RICS[RICS@epa.gov]; Binder, Jonathan[Binder.Jonathan@epa.gov]
Bcc: [Ex. 6 Personal Privacy (PP)] mark.junker@sacfoxenviro.org[mark.junker@sacfoxenviro.org]; Restevens@cdatribe-nsn.gov[Restevens@cdatribe-nsn.gov]; todd.barnell@nau.edu[todd.barnell@nau.edu]; fharjo@mcn-nsn.gov[fharjo@mcn-nsn.gov]; lydia.scheer@nau.edu[lydia.scheer@nau.edu]; bard@critfc.org[bard@critfc.org]; spforyth@ucdavis.edu[spforyth@ucdavis.edu]; nina@stewartspoint.org[nina@stewartspoint.org]; fcorey@micmac-nsn.gov[fcorey@micmac-nsn.gov]; andy.bessler@nau.edu[andy.bessler@nau.edu]; wilfred.nabahe@crit-nsn.gov[wilfred.nabahe@crit-nsn.gov]; sclow@utemountain.org[sclow@utemountain.org]; showard@potawatomi.org[showard@potawatomi.org]; gwagner@3rivers.net[gwagner@3rivers.net]; nvpatte@esf.edu[nvpatte@esf.edu]; TEDs_R1[TEDs_R1@epa.gov]; TEDs_R2[TEDs_R2@epa.gov]; TEDs_R3[TEDs_R3@epa.gov]; TEDs_R4[TEDs_R4@epa.gov]; TEDs_R5[TEDs_R5@epa.gov]; TEDs_R6[TEDs_R6@epa.gov]; TEDs_R7[TEDs_R7@epa.gov]; TEDs_R8[TEDs_R8@epa.gov]
From: Johnson, Kathleen[Johnson.Kathleen@epa.gov]/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Thur 3/26/2020 9:24:52 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone [Ex. 6 Personal Privacy (PP)]
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Bohan, Suzanne[bohan.suzanne@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Fri 3/27/2020 5:22:45 PM (UTC)
Subject: RE: Tiger Team Captain
Tiger Team draft (v1) 3 27 20.docx

ROAR! I already talked to Rosemarie this am and put together some initial thoughts. I'm happy to take input today or we can discuss as a group on Monday.

p.S. I may have got m Amy's confused. Maybe its supposed to be Porter and not Miller on the team.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Friday, March 27, 2020 1:18 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: Tiger Team Captain

Hi Kathleen –

By unanimous vote of Rosemarie, Karin and me, we would like to nominate you to be captain of the Enforcement Tiger Team. We need your strong leadership skills, organizational abilities and strategic mind on this important effort. Rosemarie has scheduled a meeting on Monday with the four of us and Amy Porter to discuss the path forward for the Tiger Team. Please let me know if you are willing to accept the mantle as Tiger Team Captain.

Best,
Suzanne

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202
303.312.6925
Bohan.suzanne@epa.gov

Twitter: [@EPARegion8](https://twitter.com/EPARegion8)
Facebook: [U.S. EPA Region 8](https://www.facebook.com/USEPARegion8)
Webpage: [EPA Region 8](https://www.epa.gov/region8) (Mountains and Plains)



To: Binder, Jonathan[Binder.Jonathan@epa.gov]
Cc: Porter, Amy[Porter.Amy@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Thur 3/26/2020 9:22:28 PM (UTC)
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Gotcha. Awesome. Will send in a minute.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Thursday, March 26, 2020 5:21 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: FW: OITA email to tribal governments re EPA COVID-19 Response

Following up with you on two items:

Ex. 5 Deliberative Process (DP)

Please call me at 202-564-2516 or **Ex. 6 Personal Privacy (PP)** if you have any questions.

From: Binder, Jonathan
Sent: Thursday, March 26, 2020 4:43 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Kathleen,

One other item.

As noted below, OITA used bcc to distribute the information to Indian country (via tribal environmental directors). The AIEO Office director subsequently sent an email to the Regional Indian Coordinators (listed as cc below) that read: *“As your office communicates with the tribes that you work with, pass on these messages and work with your office’s public affairs team to ensure that we are sending a consistent message nationwide.”*

Ex. 5 Deliberative Process (DP)

From: Binder, Jonathan
Sent: Thursday, March 26, 2020 4:33 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Kathleen

I believe the following information should help you get the information out to Indian country. It might make sense for you to call me at 202-564-2516 or Ex. 6 Personal Privacy (PP) prior to sending the message. I want to make sure I've captured/provided what is needed. Thanks

- Address the email: Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups
- OITA AA's message was distributed to Indian country (not directly to tribal leaders)
 - First email - BCC using the EPA directory to
 - TEDs_R1 <TEDs_R1@epa.gov>; TEDs_R2 <TEDs_R2@epa.gov>; TEDs_R3 <TEDs_R3@epa.gov>; TEDs_R4 <TEDs_R4@epa.gov>; TEDs_R5 <TEDs_R5@epa.gov>; TEDs_R6 <TEDs_R6@epa.gov>; TEDs_R7 <TEDs_R7@epa.gov>; TEDs_R8 <TEDs_R8@epa.gov>;
 - EPA-tribal partnership group list
 - Bcc the following people: Ex. 6 Personal Privacy (PP) mark.junker@sacfoxenviro.org; Restevens@cdatribe-nsn.gov; Todd.Barnell@nau.edu; fharjo@mcn-nsn.gov; Lydia.Scheer@nau.edu; bard@critfc.org; spforsyth@ucdavis.edu; nina@stewartspoint.org; fcorey@micmac-nsn.gov; Andy.Bessler@nau.edu; Wilfred.nabahe@crit-nsn.gov; sclow@utemountain.org; showard@potawatomi.org; Gwagner@3rivers.net; nvpatter@esf.edu
 - Cc the following EPA people (which is OITA, HQ and regional points of contact)
 - McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Felicia Wright <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>
 - Second email:

○ bcc

Ex. 6 Personal Privacy (PP)

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 3:27 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Thank you Jonathan, that would be super helpful.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Thursday, March 26, 2020 3:19 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Ex. 5 Deliberative Process (DP)

I will quickly pull update the list of tribal partnership groups and verify with OITA

how they distributed their message to tribal leaders.

FYI, my computer is randomly shutting down and restarting. You can reach me via phone 202-564-2516 (rings to my cell) .

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:08 PM

To: Porter, Amy <Porter.Amy@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>

Subject: FW: OITA email to tribal governments re EPA COVID-19 Response

Amy and Jonathan,

Susan is going to send out the enforcement discretion memo today. David Hindin will send to ECOS.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Johnson, Kathleen

Sent: Tuesday, March 24, 2020 11:38 AM

To: Koslow, Karin <Koslow.Karin@epa.gov>

Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 11:34 AM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>

Subject: OITA email to tribal governments re EPA COVID-19 Response

FYI – as discussed. Copying Kathleen who has been giving thought about how to reach out to our partners with the enforcement flexibilities message.

Thanks,

Karin

Karin Koslow

Deputy Director, Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

Desk: (202) 564-0171

Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Stewart, Lakita <Stewart.Lakita@epa.gov> On Behalf Of McIntosh, Chad

Sent: Friday, March 20, 2020 8:05 PM

ED_004611E_00004658-00003

OECA COVID-19 2020
FOIAs_Production006

Cc: Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Abunassar, Elias <Abunassar.Elias@epa.gov>; Marzouk, Evonne <Marzouk.Evonne@epa.gov>; St-Denis, Francine <St-Denis.Francine@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Besougloff, Jeff <Besougloff.Jeff@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>

Subject: EPA COVID-19 Response

Dear Tribal Leaders and Tribal Environmental Directors:

The outbreak of COVID-19 has caused an unprecedented situation in communities around the world. We are reaching out to you on behalf of President Trump and Administrator Wheeler to convey that EPA is continuing to carry out our mission of protecting human health and the environment. Much of our workforce is working from home, in accordance with local and federal guidelines. However, EPA employees are equipped with the technology needed to continue operations during this time as if they were in the office.

We are actively working across our regional and program offices to identify any operational challenges and address them as efficiently as possible. If there are essential services for which EPA can provide support, please do not hesitate to reach out to your normal point of contact in your EPA Regional Office. For specific points of contact in EPA's tribal program, please visit <https://www.epa.gov/tribal/tribal-program-managers>. EPA's American Indian Environmental Office also stands ready to facilitate communications and information sharing regarding tribal concerns and agency response actions. Please feel free to contact the AIEO Office Director, Scott Mason, at mason.scott@epa.gov.

Many of you have raised concerns about disruptions to environmental program implementation, and questions about deadlines and other timelines related to your work with EPA. For example, many tribal environmental programs are actively negotiating their GAP grant workplans. We are working to provide information as soon as possible and will offer flexibility wherever we can. Please continue to share questions and information with your EPA Regional Office point of contact; we will share updates as the situation unfolds.

We want to emphasize that the health and wellbeing of you and your tribal members is the most important thing right now. This is a time to work together. Stay safe and contact EPA with any questions or concerns

Sincerely,

Chad McIntosh
Assistant Administrator
International and Tribal Affairs
Environmental Protection Agency
McIntosh.Chad@epa.gov

W. Scott Mason
Director
American Indian Environmental Office
Environmental Protection Agency
Mason.Scott@epa.gov

To: Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Fri 3/27/2020 4:23:36 PM (UTC)
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Jonathan,
First can you fill me in on Scott? Political? Career? Do you know him?

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Friday, March 27, 2020 12:22 PM
To: Mason, Scott <Mason.Scott@epa.gov>
Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>
Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Scott — pls work with Kathleen to draft a response from my email. Thanks Chad

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600

On Mar 27, 2020, at 12:18 PM, Pinu'u Stout <pstout@sfpueblo.com> wrote:

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine

Assistant Administrator

Office of Enforcement and Compliance Assurance

202-564-2440

To: Murphy, Stacy[Murphy.Stacy@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Fri 3/27/2020 2:34:51 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thank you Stacy! You too! Ex. 6 Personal Privacy (PP) Stay safe!

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Murphy, Stacy <Murphy.Stacy@epa.gov>
Sent: Friday, March 27, 2020 10:00 AM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks Kathleen. Be well *

Stacy A. Murphy
Manager, Tribal Trust and Assistance Branch
US EPA Region 10
Phone: 206-553-2106
Email: murphy.stacy@epa.gov
Web: <https://www.epa.gov/r10-tribal>

"Most of us see the world the way we are, not the way it is."



From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:25 PM
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

ED_004611E_00004663-00001

OECA COVID-19 2020
FOIAs_Production006

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

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EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Ebbert, Laura[Ebbert.Laura@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Thur 3/26/2020 9:49:32 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Hi Laura,
I hope you are well. Please go ahead and send out to the territories. I had a tribal list and a list of state associations, but I don't have a territory list. so thanks!

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone [Ex. 6 Personal Privacy (PP)]
Johnson.kathleen@epa.gov

From: Ebbert, Laura <Ebbert.Laura@epa.gov>
Sent: Thursday, March 26, 2020 5:38 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Thanks for sending this to tribal leaders, Kathleen! Will you be doing the same for island territory governments, or should we go ahead and push it out to our partners in the Pacific?

Laura Ebbert
Director
Tribal, Intergovernmental, and Policy Division
US EPA, Region 9

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 2:25 PM
Cc: McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

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Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone [Ex. 6 Personal Privacy (PP)]
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, March 26, 2020 4:19 PM
To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts

<Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a [temporary policy](#) regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
202-564-2440

To: Binder, Jonathan[Binder.Jonathan@epa.gov]
From: Johnson, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D36DE0CD8EE14FF6A6AA2F1DF9B159F6-KJOHNS05]
Sent: Thur 3/26/2020 9:48:33 PM (UTC)
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Thanks so much. Take care!

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Thursday, March 26, 2020 5:33 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Thanks for sending the message out. Please let me know if you get an inquiries. I will handle them

Hope you're well

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 5:28 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

I got about a dozen bounce backs on that one. I'm not going to sweat it. Doing our best here.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Thursday, March 26, 2020 5:21 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Porter, Amy <Porter.Amy@epa.gov>
Subject: FW: OITA email to tribal governments re EPA COVID-19 Response

Following up with you on two items:

Ex. 5 Deliberative Process (DP)

Please call me at 202-564-2516 or

Ex. 6 Personal Privacy (PP)

 if you have any questions.

From: Binder, Jonathan
Sent: Thursday, March 26, 2020 4:43 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>

Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Kathleen,

One other item.

As noted below, OITA used bcc to distribute the information to Indian country (via tribal environmental directors). The AIEO Office director subsequently sent an email to the Regional Indian Coordinators (listed as cc below) that read: *"As your office communicates with the tribes that you work with, pass on these messages and work with your office's public affairs team to ensure that we are sending a consistent message nationwide."*

We could send a similar message to the Regional Indian Coordinators. We may want to include, if possible, a point or points of contact for follow-up.

From: Binder, Jonathan

Sent: Thursday, March 26, 2020 4:33 PM

To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>

Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Kathleen

I believe the following information should help you get the information out to Indian country. It might make sense for you to call me at 202-564-2516 or Ex. 6 Personal Privacy (PP) prior to sending the message. I want to make sure I've captured/provided what is needed. Thanks

- Address the email: Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups
- OITA AA's message was distributed to Indian country (not directly to tribal leaders)
 - First email - BCC using the EPA directory to
 - TEDs_R1 <TEDs_R1@epa.gov>; TEDs_R2 <TEDs_R2@epa.gov>; TEDs_R3 <TEDs_R3@epa.gov>; TEDs_R4 <TEDs_R4@epa.gov>; TEDs_R5 <TEDs_R5@epa.gov>; TEDs_R6 <TEDs_R6@epa.gov>; TEDs_R7 <TEDs_R7@epa.gov>; TEDs_R8 <TEDs_R8@epa.gov>;
 - EPA-tribal partnership group list
 - Bcc the following people: Ex. 6 Personal Privacy (PP) mark.junker@sacfoxenviro.org; Restevens@cdatribe-nsn.gov; Todd.Barnell@nau.edu; fharjo@mcn-nsn.gov; Lydia.Scheer@nau.edu; bard@critfc.org; spforsyth@ucdavis.edu; nina@stewartspoint.org; fcorey@micmac-nsn.gov; Andy.Bessler@nau.edu; Wilfred.nabahe@crit-nsn.gov; sclow@utemountain.org; showard@potawatomi.org; Gwagner@3rivers.net; nvpatter@esf.edu
 - Cc the following EPA people (which is OITA, HQ and regional points of contact)
 - McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Felicia Wright <Wright.Felicia@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>
 - Second email:
 - bcc
 - TEDs_R10_ANVs <TEDs_R10_ANVs@epa.gov>; TEDs_R10_L48 <TEDs_R10_L48@epa.gov>; TEDs_R9 <TEDs_R9@epa.gov>

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 3:27 PM
To: Binder, Jonathan <Binder.Jonathan@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Thank you Jonathan, that would be super helpful.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Thursday, March 26, 2020 3:19 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

I would suggest that OECA send the message. I will quickly pull update the list of tribal partnership groups and verify with OITA how they distributed their message to tribal leaders.

FYI, my computer is randomly shutting down and restarting. You can reach me via phone 202-564-2516 (rings to my cell) .

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Thursday, March 26, 2020 3:08 PM
To: Porter, Amy <Porter.Amy@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: OITA email to tribal governments re EPA COVID-19 Response

Amy and Jonathan,
Susan is going to send out the enforcement discretion memo today. David Hindin will send to ECOS. I am available to send to state and tribal associations (as I did for the NCI stuff) if Susan wants. However, I saw this email below

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Johnson, Kathleen
Sent: Tuesday, March 24, 2020 11:38 AM
To: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: OITA email to tribal governments re EPA COVID-19 Response

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance

Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Koslow, Karin <Koslow.Karin@epa.gov>

Sent: Tuesday, March 24, 2020 11:34 AM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Buterbaugh, Kristin <Buterbaugh.Kristin@epa.gov>

Subject: OITA email to tribal governments re EPA COVID-19 Response

FYI – as discussed. Copying Kathleen who has been giving thought about how to reach out to our partners with the enforcement flexibilities message.

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

From: Stewart, Lakita <Stewart.Lakita@epa.gov> **On Behalf Of** McIntosh, Chad

Sent: Friday, March 20, 2020 8:05 PM

Cc: Mason, Scott <Mason.Scott@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>; Zimmer, Nathaniel <zimmer.nathaniel@epa.gov>; Abunassar, Elias <Abunassar.Elias@epa.gov>; Marzouk, Evonne <Marzouk.Evonne@epa.gov>; St-Denis, Francine <St-Denis.Francine@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Besougloff, Jeff <Besougloff.Jeff@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; EPA HICS <EPA_HICS@epa.gov>; EPA RICS <RICS@epa.gov>

Subject: EPA COVID-19 Response

Dear Tribal Leaders and Tribal Environmental Directors:

The outbreak of COVID-19 has caused an unprecedented situation in communities around the world. We are reaching out to you on behalf of President Trump and Administrator Wheeler to convey that EPA is continuing to carry out our mission of protecting human health and the environment. Much of our workforce is working from home, in accordance with local and federal guidelines. However, EPA employees are equipped with the technology needed to continue operations during this time as if they were in the office.

We are actively working across our regional and program offices to identify any operational challenges and address them as efficiently as possible. If there are essential services for which EPA can provide support, please do not hesitate to reach out to your normal point of contact in your EPA Regional Office. For specific points of contact in EPA's tribal program, please visit <https://www.epa.gov/tribal/tribal-program-managers>. EPA's American Indian Environmental Office also stands ready to facilitate communications and information sharing regarding tribal concerns and agency response actions. Please feel free to contact the AIEO Office Director, Scott Mason, at mason.scott@epa.gov.

Many of you have raised concerns about disruptions to environmental program implementation, and questions about deadlines and other timelines related to your work with EPA. For example, many tribal environmental programs are actively negotiating their GAP grant workplans. We are working to provide information as soon as possible and will offer flexibility wherever we can. Please continue to share questions and information with your EPA Regional Office point of contact; we will share updates as the situation unfolds.

We want to emphasize that the health and wellbeing of you and your tribal members is the most important thing right now. This is a time to work together. Stay safe and contact EPA with any questions or concerns

Sincerely,

Chad McIntosh
Assistant Administrator
International and Tribal Affairs

W. Scott Mason
Director
American Indian Environmental Office

ED_004611E_00004668-00004

OECA COVID-19 2020
FOIAs_Production006

Appointment

From: Varnado, Miriam [Varnado.Miriam@epa.gov]
Sent: 3/17/2020 10:30:52 PM
To: Varnado, Miriam [Varnado.Miriam@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; McLain, Jennifer L. [McLain.Jennifer@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Thompkins, Anita [Thompkins.Anita@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Risley, David [Risley.David@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]; Water Program Contact List - Deputy Directors [Water_Program_Contact_List__Deputy_Directors@epa.gov]; Water Program Contact List - Directors [Water_Program_Contact_List__Directors@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Goodin, John [Goodin.John@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; OECA Office Directors [OECA_Office_Directors@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; Seidel, Jimmy [Seidel.Jimmy@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Smith, Bernicel [Smith.Bernicel@epa.gov]; Bredehoft, Deborah [bredehoft.deborah@epa.gov]; Gray, David [gray.david@epa.gov]; Layne, Kenda [Layne.Kenda@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]
CC: Tiago, Joseph [Tiago.Joseph@epa.gov]; Weyer, Erica [weyer.eric@epa.gov]; Sylvester, Francis [Sylvester.Francis@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]; Aguirre, Janita [Aguirre.Janita@epa.gov]; Wilwerding, Joseph [Wilwerding.Joseph@epa.gov]; Dean, Abigail [Dean.Abigail@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Poulosom, Susan [Poulosom.Susan@epa.gov]; Burgess, Karen [Burgess.Karen@epa.gov]; Martinson, Mathew [martinson.mathew@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Smith, Brian [Smith.Brian@epa.gov]; Apanian, David M. [Apanian.David@epa.gov]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Murphy, Thelma (Hamilton) [murphy.thelma@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]; Arcaya, Alyssa [arcaya.alysa@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Montralio, Stephanie L [Montralio.Stephanie@epa.gov]; Wong, Virginia [Wong.Virginia@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]; Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]; Gueriguian, Leo [Gueriguian.Leo@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Thomas, Chris [Thomas.Chris@epa.gov]; Libertz, Catherine [Libertz.Catherine@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Harris, Michael [harris.michael@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Dressel, Paul [DRESSSEL.PAUL@EPA.GOV]; Melvin, Karen [Melvin.Karen@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Hesterlee, Craig [Hesterlee.Craig@epa.gov]; Shimkin, Martha [Shimkin.Martha@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Downing, Jane [Downing.Jane@epa.gov]; Cote, Mel [Cote.Mel@epa.gov]; Weitzler, Ellen [Weitzler.Ellen@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Watanabe, Allison [Watanabe.Allison@epa.gov]; Chen, Christopher [CHEN.CHRISTOPHER@EPA.GOV]; Carroll, Christina [carroll.christina@epa.gov]; Pringle, Everett [Pringle.Everett@epa.gov]; Garcia, Vanessa [Garcia.Vanessa@epa.gov]; Hecht, Hillary [Hecht.Hillary@epa.gov]; Shareem, Jelani [Shareem.Jelani@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]; Travers, David [Travers.David@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Garcia, Bert [Garcia.Bert@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Abele, Ralph [abele.ralph@epa.gov]; LeClair, Jacqueline [Leclair.Jackie@epa.gov]; Lyons, Regina [Lyons.Regina@epa.gov]; Feuerbach, MaryJo [feuerbach.maryjo@epa.gov]; Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]; Pratt, Stacie [Pratt.Stacie@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Russo, Rebecca [Russo.Rebecca@epa.gov]; Geliga, Jaime [Geliga.Jaime@epa.gov]; Laguer, Yasmin [Laguer.Yasmin@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Rathbone, Colleen [Rathbone.Colleen@epa.gov]; Cantor, Tiffany [Cantor.Tiffany@epa.gov]; Boeglin, Michael [Boeglin.Michael@epa.gov]; Rivera, Nina [Rivera.Nina@epa.gov]; Bergman, Ronald [Bergman.Ronald@epa.gov]; Fort, Felecia [Fort.Felecia@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]; Dollar, Carla [Dollar.Carla@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov];

Mears, Mary [Mears.Mary@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Holst, Linda [holst.linda@epa.gov]; McGuigan, David [McGuigan.David@epa.gov]; Reynolds, Lori [Reynolds.Lori@epa.gov]; Lapp, Jeffrey [lapp.jeffrey@epa.gov]; Price-Fay, Michelle [Price-Fay.Michelle@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Dart, Denny [Dart.Denny@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Anderson, Kate [Anderson.Kate@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]; Jann, Stephen [jann.stephen@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Jones, Erica [Jones.Erica@epa.gov]; Kudla, Courtney [kudla.courtney@epa.gov]; Anderson, Julie [Anderson.Julie@epa.gov]; Tera Fong [tera.fong@gmail.com]; Smith, Nelly [Smith.Nelly@epa.gov]; Jones, Joel E. [Jones.Joel@epa.gov]; Kloss, Christopher [Kloss.Christopher@epa.gov]; Short, Thomas [short.thomas@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]

Subject: OW/OECA/WDDs/ECADDs

Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; OW/OECA/WDDs/ECADDs - agenda attached

Location: **Ex. 6 Personal Privacy (PP)**

Start: 3/31/2020 4:00:00 PM

End: 3/31/2020 5:00:00 PM

Show Time As: Tentative

Recurrence: Weekly

Occurs every Tuesday from 11:00 AM to 12:00 PM effective 3/31/2020 until 5/8/2020.

Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics/questions by noon on Fridays day prior to the call you would like the topic/question discussed.

1. HQ report out
 1. OGWDW
 2. OWM
 3. Other offices as needed

2. Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
EPA Region 6 (WD) -Water Division
1201 Elm Street, Suite 500,
Dallas, TX 75270-2102
214-665-7171 / fax 214-665-6490 / varnado.miriam@epa.gov

3.

To: Varnado, Miriam [Varnado.Miriam@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; McLain, Jennifer L. [McLain.Jennifer@epa.gov]; Thompson, Anita [Thompson.Anita@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Risley, David [Risley.David@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]; Water Program Contact List - Deputy Directors [Water_Program_Contact_List__Deputy_Directors@epa.gov]; Water Program Contact List - Directors [Water_Program_Contact_List__Directors@epa.gov]; ECAD Directors and Deputies-Designees [ECAD_Directors_and_Deputies-Designees@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; OECA Office Directors and Deputy Directors [OECA_Office_Directors_and_Deputy_Directors@epa.gov]; Palmer, Daniel [Palmer.Daniel@epa.gov]; VanTil, Barbara [vantil.barbara@epa.gov]; Seidel, Jimmy [Seidel.Jimmy@epa.gov]

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Attachments: Draft Agenda 03-19-2020 OW-OECA-WDDs-ECADDs Call-031920.docx; npdes-reporting-covid-031820.docx
Location: Ex. 6 Personal Privacy (PP)

Start: 3/19/2020 4:00:00 PM
End: 3/19/2020 5:00:00 PM
Show Time As: Busy

Recurrence: (none)

Invitation updated for agenda attached and handout for agenda #3 Report out- HQ OECA

Jennifer McLain, Director of OGWDW in OW, has requested this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur 2X per week on Tuesday and Thursday until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics by noon on the day prior to the call you would like the topic discussed.

- HQ report out
 - OGWDW
 - OWM
 - Other offices as needed
- Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you,
Miriam

Miriam Varnado

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Attachments: Draft Agenda 03-24-2020 OW-OECA-WDDs-ECADDs Call-revised.docx

Location: **Ex. 6 Personal Privacy (PP)**

Start: 3/24/2020 4:00:00 PM

End: 3/24/2020 5:00:00 PM

Show Time As: Busy

Recurrence: (none)

Hello All,

Jennifer McLain, Director of OGWDW in OW, has requested this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur 2X per week on Tuesday and Thursday until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics by noon on the day prior to the call you would like the topic discussed.

- HQ report out

- OGWDW
- OWM
- Other offices as needed

- Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you,
Miriam

Miriam Varnado

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Attachments: Draft Agenda 03-31-2020 OW-OECA-WDDs-ECADDs Call.docx; Overview of Evidence Act and DW Priority Area (003)-call on 3-31-20.pdf

Location: Ex. 6 Personal Privacy (PP)

Start: 3/31/2020 4:00:00 PM

End: 3/31/2020 5:00:00 PM

Show Time As: Busy

Recurrence: (none)

Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics by cob Friday prior to the call you would like the topic discussed.

- HQ report out
 - OGWDW
 - OWM
 - Other offices as needed
- Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you! Stay safe and well,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
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Attachments: Draft Agenda 04-7-2020 OW-OECA-WDDs-ECADDs Call.docx

Location:

Ex. 6 Personal Privacy (PP)

Start: 4/7/2020 4:00:00 PM

End: 4/7/2020 5:00:00 PM

Recurrence: (none)

Hello All,
See Draft Agenda Attached

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics/questions by noon on Fridays day prior to the call you would like the topic/question discussed.

- HQ report out
 - OGWDW
 - OWM
 - Other offices as needed
- Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you,
Miriam

Miriam Varnado

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[Apanian.David@epa.gov]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Bahrman, Sarah [Bahrman.Sarah@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Murphy, Thelma (Hamilton) [murphy.thelma@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Brandt, Peter [Brandt.Peter@epa.gov]; Arcaya, Alyssa [arcaya.alyssa@epa.gov]; Ash, Christine [Ash.Christine@epa.gov]; Montralio, Stephanie L [Montralio.Stephanie@epa.gov]; Wong, Virginia [Wong.Virginia@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]; Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]; Gueriguian, Leo [Gueriguian.Leo@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Thomas, Chris [Thomas.Chris@epa.gov]; Libertz, Catherine [Libertz.Catherine@epa.gov]; Rodriguez, Roberto [Rodriguez.Roberto@epa.gov]; Lousberg, Macara [Lousberg.Macara@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Chiang, I-Jung [chiang.i-jung@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Harris, Michael [harris.michael@epa.gov]; Canzler, Erica [Canzler.Erica@epa.gov]; Dressel, Paul [DRESSSEL.PAUL@EPA.GOV]; Melvin, Karen [Melvin.Karen@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Hesterlee, Craig [Hesterlee.Craig@epa.gov]; Gratz, Jeff [Gratz.Jeff@epa.gov]; McKenna, Douglas [McKenna.Douglas@epa.gov]; Kraft, Nicole [Kraft.Nicole@epa.gov]; Lubbe, Wendy [Lubbe.Wendy@epa.gov]; Downing, Jane [Downing.Jane@epa.gov]; Anderson, Andrew [anderson.andrew@epa.gov]; Watanabe, Allison [Watanabe.Allison@epa.gov]; Chen, Christopher [CHEN.CHRISTOPHER@EPA.GOV]; Carroll, Christina [carroll.christina@epa.gov]; Pringle, Everett [Pringle.Everett@epa.gov]; Garcia, Vanessa [Garcia.Vanessa@epa.gov]; Hecht, Hillary [Hecht.Hillary@epa.gov]; Shareem, Jelani [SHAREEM.JELANI@EPA.GOV]; Hill, Randy [Hill.Randy@epa.gov]; Duffy, Rick [Duffy.Rick@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Moraaff, Kenneth [Moraaff.Ken@epa.gov]; Travers, David [Travers.David@epa.gov]; Denton, Loren [Denton.Loren@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Bahk, Benjamin [Bahk.Benjamin@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Marshalonis, Dino [Marshalonis.Dino@epa.gov]; Abele, Ralph [abele.ralph@epa.gov]; LeClair, Jacqueline [Leclair.Jackie@epa.gov]; Lyons, Regina [Lyons.Regina@epa.gov]; Feuerbach, MaryJo [feuerbach.maryjo@epa.gov]; Dinsmore, Andrew [Dinsmore.Andrew@epa.gov]; Pratt, Stacie [Pratt.Stacie@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]; Russo, Rebecca [Russo.Rebecca@epa.gov]; Geliga, Jaime [Geliga.Jaime@epa.gov]; Laguer, Yasmin [Laguer.Yasmin@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Rathbone, Colleen [Rathbone.Colleen@epa.gov]; Cantor, Tiffany [Cantor.Tiffany@epa.gov]; Boeglin, Michael [Boeglin.Michael@epa.gov]; Rivera, Nina [Rivera.Nina@epa.gov]; Bergman, Ronald [Bergman.Ronald@epa.gov]; Fort, Felecia [Fort.Felecia@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]; Dollar, Carla [Dollar.Carla@epa.gov]; Short,

Thomas [short.thomas@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Mears, Mary [Mears.Mary@epa.gov]; Soltani, Beth [Soltani.Beth@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Holst, Linda [holst.linda@epa.gov]; McGuigan, David [McGuigan.David@epa.gov]; Reynolds, Lori [Reynolds.Lori@epa.gov]; Lapp, Jeffrey [lapp.jeffrey@epa.gov]; Layne, Kenda [Layne.Kenda@epa.gov]; Werner, Jacqueline [Werner.Jacqueline@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Dart, Denny [Dart.Denny@epa.gov]; Feinmark, Phyllis [Feinmark.Phyllis@epa.gov]; Huffman, Diane [Huffman.Diane@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]; Jann, Stephen [jann.stephen@epa.gov]; Allenbach, Becky [Allenbach.Becky@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]

Attachments: Draft Agenda 04-14-2020 OW-OECA-WDDs-ECADDs Call.docx

Location: Ex. 6 Personal Privacy (PP)

Start: 4/14/2020 4:00:00 PM

End: 4/14/2020 5:00:00 PM

Recurrence: (none)

Please see agenda for today attached.

Hello All,

Jennifer McLain, Director of OGWDW in OW, is leading this meeting with OW/OECA/WDDs/ECADDs. Please forward this meeting invitation to DDs, BCs and/or staff as applicable/needed per the agenda/or issues in play. More details to follow. The purpose of this meeting is to implement the process for cross Agency coordination and communication related to COVID-19 and the water sector and also other water sector issues. This meeting will occur on Tuesdays only going forward until further notice.

Here is an agenda out-line for each call. Please send me specific agenda topics/questions by noon on Fridays day prior to the call you would like the topic/question discussed.

- HQ report out
 - OGWDW
 - OWM
 - Other offices as needed
- Regional report out

Discussion of specific issue (to be identified prior to call)

Thank you,
Miriam

Miriam Varnado

Lead Region Coordinator for the Office of Water
EPA Region 6 (WD) -Water Division
1201 Elm Street, Suite 500,
Dallas, TX 75270-2102
214-665-7171 / fax 214-665-6490 / varnado.miriam@epa.gov

•

To: Seager, Cheryl[Seager.Cheryl@epa.gov]; Bohan, Suzanne[bohan.suzanne@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Welton, Patricia[Welton.Patricia@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]
From: Wilwerding, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B22A8959DB2548EB83549805319576D4-WILWERDING,]
Sent: Tue 3/10/2020 3:31:28 PM (UTC)
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Hi Cheryl, I imagine there will be some discussion of this on the ED call tomorrow. I can share the related info below from R9 on the corona virus survey from Suzanne so far:

“we have a request from an NPDES permittee that if they can’t get contractors to the island to sample can they have a no action assurance. We are working with HQ on this issue.”

Thanks,
Joe

Joe Wilwerding
OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division
1595 Wynkoop Street, Denver, CO 80202-1129
O: 303-312-6729, Ex. 6 Personal Privacy (PP), wilwerding.joseph@epa.gov

From: Seager, Cheryl <Seager.Cheryl@epa.gov>
Sent: Tuesday, March 10, 2020 9:28 AM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi guys – we got this from the DRA – do you know if any other regions have gotten similar requests, and if they have, how they are handling them?

Thanks,
Cheryl

From: Gray, David <gray.david@epa.gov>
Sent: Tuesday, March 10, 2020 10:24 AM
To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: State Requests - CONVID-19 Quarantine Facilities

States are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Do we have any guidance?

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Smith-Watts, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=225D81264C3E4D3BB80234A5C38E0DE6-SMITH-WATTS, DAVID]
Sent: Thur 3/26/2020 7:27:46 PM (UTC)
Subject: FW: Inability to Pay Penalties and COVID-19
Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program (March 26 2020).pdf

This just in from Ellen Mahan...

David Smith-Watts
Attorney-Advisor
U.S. EPA/OECA/OCE/IO/XPS
1200 Pennsylvania Ave., NW (MC 2241A)
Washington, DC 20460
Phone: (202) 564-4083
Email: smith-watts.david@epa.gov

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From: Mahan, Ellen (ENRD) <Ellen.Mahan@usdoj.gov>
Sent: Thursday, March 26, 2020 3:25 PM
To: Smith-Watts, David <Smith-Watts.David@epa.gov>
Subject: Inability to Pay Penalties and COVID-19

Hi, David.

Ex. 5 AC/DP

Ellen M. Mahan
Deputy Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
202/514-3646 (office)
202/305-5779 (cell)
ellen.mahan@usdoj.gov

From: Smith-Watts, David <Smith-Watts.David@epa.gov>
Sent: Thursday, March 26, 2020 10:17 AM
To: Thode, Anna (ENRD) <ATHode@ENRD.USDOJ.GOV>
Subject: Inability to Pay Penalties and Coronavirus

Hi Anna – I heard you are leaving DOJ soon. What a time to leave! I wish you the best on your next endeavors!

Ex. 5 AC/DP

Any help and coordination would be appreciated!

Thanks,
David

David Smith-Watts
Attorney-Advisor
U.S. EPA/OECA/OCE/IO/XPS
1200 Pennsylvania Ave., NW (MC 2241A)
Washington, DC 20460
Phone: (202) 564-4083
Email: smith-watts.david@epa.gov

To: Porter, Amy[Porter.Amy@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Fri 3/27/2020 6:24:11 PM (UTC)
Subject: FW: Indian Country: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

FYI – I spoke with George and **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Koslow, Karin
Sent: Friday, March 27, 2020 2:09 PM
To: Hull, George <Hull.George@epa.gov>
Subject: FW: Indian Country: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

George - this is making its way to Susan, but I wanted to share w/you given our conversation. **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: **Ex. 6 Personal Privacy (PP)**
WJC South Room 3142D

From: Binder, Jonathan <Binder.Jonathan@epa.gov>
Sent: Friday, March 27, 2020 1:58 PM
To: Porter, Amy <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Indian Country: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

As you know, Kathleen emailed OECA's COVID-19 memo to Indian country. This morning she received an email from the Pueblo of San Felipe's Environmental Director **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Messages are below in chronological order.

From: Pinu'u Stout <pstout@sfpueblo.com>

Date: March 27, 2020 at 12:18:25 PM EDT

To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>

Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>

Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Friday, March 27, 2020 12:22 PM

To: Mason, Scott <Mason.Scott@epa.gov>

Cc: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>

Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Scott — pls work with Kathleen to draft a response from my email. Thanks Chad

W.C. McIntosh

Assistant Administrator

International and Tribal Affairs

United States Environmental Protection Agency

202-564-6600

From: McIntosh, Chad <mcintosh.chad@epa.gov>

Sent: Friday, March 27, 2020 1:23 PM

To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Mason, Scott <Mason.Scott@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Kathleen — Ex. 5 Deliberative Process (DP)

Thank you

W.C. McIntosh

Assistant Administrator

International and Tribal Affairs

United States Environmental Protection Agency

To: Saenz, Diana[Saenz.Diana@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Thur 3/26/2020 12:59:32 PM (UTC)
Subject: FW: OECA Comments on OLEM Guidance on Continuation of Site Cleanup
continuation of site clean up cmmts from OSRE FFEO and DOJ.docx

Diana – I saw your note re: financial assurance, and that’s news to me. Attached is what we rec’d from Cyndy last night – perhaps that language is in here?

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171

Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Wednesday, March 25, 2020 7:31 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

FYI

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Mackey, Cyndy
Sent: Wednesday, March 25, 2020 7:30 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Leff, Karin <Leff.Karin@epa.gov>; Patterson, Kenneth <patterson.kenneth@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Subject: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Susan, Larry and John:

Attached is the OLEM Guidance on Continuation of Site Cleanup with redlined comments from OSRE, FFEO and DOJ that we have provided to Jim Woolford. These comments include the enforcement related comments from the regional counsel’s offices. Note that there is place holder for Susan’s signature on the OLEM document, but that OSRE has suggested that the document be issued by OLEM in coordination with (but not signed by) OECA.

The below table sets forth the differences between the messages in the attached OLEM document and the OECA COVID-19 document. These topics, particularly the list of actions to be suspended/delayed is fairly consistent (except laboratories & training), but may necessitate some minor changes for consistency.

	OECA	OLEM
Approach	General Categories	Case-by-Case Decisions
Force Majeure	<div>Ex. 5 Deliberative Process (DP)</div>	<u>Determination:</u> The formal determination <div>Ex. 5 Deliberative Process (DP)</div>
Field work categories identified for possible delay, suspension, rescheduling	Provides enforcement discretion for <div>Ex. 5 Deliberative Process (DP)</div>	<div>Ex. 5 Deliberative Process (DP)</div>
Other non-field work identified for delay/implementation	<div>Ex. 5 Deliberative Process (DP)</div>	<div>Ex. 5 Deliberative Process (DP)</div>

		<div>Ex. 5 Deliberative Process (DP)</div>
--	--	--

Let us know if you have any suggestions or concerns regarding the above “differences”. Also let us know if Susan wants to be a signatory to this document and whether it should reference the OECA document. We will continue to work with OSRTI on the OLEM document.

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Mackey, Cyndy

Sent: Wednesday, March 25, 2020 6:40 PM

To: James Woolford (Woolford.James@epa.gov) <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Patterson, Kenneth <patterson.kenneth@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Bruce Kulpan <Kulpan.Bruce@epa.gov>

Subject: Continuation of site cleanup work guidance

Jim and Dana

Please find attached consolidated comments from OSRE, FFEO (Logan Senack and Elizabeth Lukens), and DOJ (Ellen Mahan). We support the comments from DOJ and FFEO.

We have also attached in their entirety comments from regions 2, 3 and 9 which are largely program matters. We have reviewed these for enforcement considerations and incorporated those we deem appropriate in our comments. Regional counsel from 1, 7 and 8 had no comments.

I am also considering whether some additional changes need to be made to this document to create consistency with OECA’s draft

Ex. 5 Deliberative Process (DP)

Please keep in the loop as this document develops further.

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
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202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

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To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
Cc: Berg, Elizabeth[Berg.Elizabeth@epa.gov]; Magnan, Eric[Magnan.Eric@epa.gov]
From: Miller, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=40BB39F199A74C5CB3956D35D6F468DF-AMILLE06]
Sent: Fri 3/6/2020 5:07:48 AM (UTC)
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community
March 2020 American Samoa Travel Advisory.docx
ATT00001.htm

Advise on response?

Amy C. Miller, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9

Begin forwarded message:

From: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Date: March 5, 2020 at 6:32:04 PM PST
To: "Miller, Amy" <Miller.Amy@epa.gov>, "Busterud, Gretchen" <Busterud.Gretchen@epa.gov>
Subject: Fwd: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

Hi Amy and Gretchen,

Ex. 5 Deliberative Process (DP)

Please let me know if this has come up and what your thoughts are. Thanks.

Deborah Jordan
Deputy Regional Administrator
U.S. EPA Region 9

Begin forwarded message:

From: "Mues, Pascal" <Mues.Pascal@epa.gov>
Date: March 5, 2020 at 5:45:32 PM PST
To: "Jordan, Deborah" <Jordan.Deborah@epa.gov>
Cc: "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>
Subject: Summary of question from WTR all-hands on Coronavirus disruptions to regulated community

[Kristin, CC to you FYI.]

Deputy Administrator Jordan: Here is the one-paragraph write up you requested of the issue I raised during today's all-hands Q&A.

Region 9 has begun to receive questions from the regulated community about how to address EPA-mandated actions which have been disrupted by the response to Covid-19. For example, deadlines for environmental sampling and lab testing in several U.S. Territory permits are at risk of being missed because mainland contractors cannot travel to the islands, or face mandatory 2-week quarantine holds which would invalidate lab

samples. Permittees are concerned that either outcome might be counted as permit noncompliance. Clear direction at an agency level on how to respond to concerns of this type would be very helpful in limiting uncertainty for affected members of the regulated community.

Ex. 5 Deliberative Process (DP)

The trigger for this issue was a call for advice today (March 5th) from the company which conducts the majority of NPDES permit monitoring for dischargers in American Samoa, and which fears being unable to comply with the requirements of at least 4 separate NPDES permits. For additional details, see the E-mail chain below and the attached travel restrictions document's "flights from Hawaii" section.

Thank you for your offer to elevate this issue so that we can address it efficiently as One EPA.

-Pascal Mues

Pascal Mues, Environmental Engineer
NPDES Permits office, U.S. EPA Region 9, WTR-2-3
75 Hawthorne Street, San Francisco, CA 94105
Phone: (415)-972-3768 | mues.pascal@epa.gov

From: Costa, Steven/BAO <Steven.Costa@jacobs.com>
Sent: Thursday, March 5, 2020 11:25 AM
To: Mues, Pascal <Mues.Pascal@epa.gov>; Vaouli, Elena <Vaouli.Elena@epa.gov>
Cc: Christianera.Tuitele <Christianera.Tuitele@epa.as.gov>; faamao.asalele@epa.as.gov; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts (Jeff.Roberts@StarKist.com) <Jeff.Roberts@StarKist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com) <DRockman@eckertseamans.com>; Dearnness, John <John.Dearnness@StarKist.com> <John.Dearnness@StarKist.com>; Rob Darby <Rob.Darby@epa.gov>
< Ex. 6 Personal Privacy (PP) Karen Glatzel Ex. 6 Personal Privacy (PP) Faim@aspower.com; William Spitzenberg <williams@aspower.com>; Edna Buchar Ex. 6 Personal Privacy (PP) Jewel Tuiasosopo (jewel.tuiasosopo@epa.as.gov) <jewel.tuiasosopo@epa.as.gov>
Subject: UPDATE: RE: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

FYI: AS DOH issued the anticipated travel advisory, which is attached (thanks to Jewel !). This means we cannot do the receiving water sampling in March as planned. We need to coordinate with USEPA to determine the path forward at this point. There is no current estimate as to how long this will be in effect.

Steve

From: Costa, Steven/BAO
Sent: Wednesday, March 4, 2020 7:19 PM
To: Pascal Mues (Mues.Pascal@epa.gov) <Mues.Pascal@epa.gov>; 'vaouli.elena@epa.gov' <vaouli.elena@epa.gov>
Cc: Christianera Tuitele <christianera.tuitele@epa.as.gov>; 'faamao.asalele@epa.as.gov' <faamao.asalele@epa.as.gov>; Janet Goodfellow <JGoodfellow@Geosyntec.com>; Jeffrey S. Roberts (Jeff.Roberts@StarKist.com) <jeff.roberts@starkist.com>; Scott R. Dismukes <SDismukes@eckertseamans.com>; David A. Rockman (DRockman@eckertseamans.com) <drockman@eckertseamans.com>; 'Dearnness, John' <John.Dearnness@StarKist.com> <John.Dearnness@StarKist.com>; Rob Darby <Rob.Darby@epa.gov> < Ex. 6 Personal Privacy (PP) Karen Glatzel Ex. 6 Personal Privacy (PP) Fa'i Mareko (faim@aspower.com) <faim@aspower.com>; 'William Spitzenberg' <williams@aspower.com>; Nimbus Environmental < Ex. 6 Personal Privacy (PP) <Nimbus.Environmental@epa.gov>
Subject: 2020 Non-tradewind Sampling in Pago Pago Harboe and Costal sampling at Tafuna
Importance: High

Please distribute this messages to others as appropriate.

We are in the process of preparing for the 2020 Non-tradewind sampling in March (weeks of 16 and 23) if AS travel restrictions and the current coronavirus issues don't preclude travel at that time. This email message addresses three issues associated with the sampling.

[1] Travel restrictions:

We see that the American Samoa Dept of Health (DOH) met on Monday March 2 and developed new (draft) travel restrictions for American Samoa. These restrictions were presented in the newspaper (Samoa News) on Tuesday March 3. The new DOH restrictions are expected to be promulgated by the end of this week. The requirements include that anyone traveling from the US mainland from a state known to have COVID-19 cases will have to spend 14 days in Hawaii and present a health certificate three days prior to travel in order to travel to Pago Pago. This is more restrictive than current restrictions (travelers with a US passport currently have no restrictions). If this new restriction is promulgated as indicated, gdc will not be able to travel to American Samoa as planned. The duration of the new restrictions, if implemented, is not known, and we cannot plan an alternative sampling date until more information becomes available. **Therefore, at this time it appears likely that the planned sampling will need to be rescheduled for a future date, or not conducted, for the 2020 Non-tradewind season, in consultation with EPA.** We will monitor this situation, but will need to make a decision by early next week.

[[editor's note: the additional 2 facility-specific sampling questions in this e-mail have been removed as they do not relate to the Coronavirus issue being elevated]]

Please let me know if you have questions or comments,

Steve Costa
gdc

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To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Bellot, Michael[Bellot.Michael@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Tue 3/24/2020 6:02:50 PM (UTC)
Subject: For your input - FIFRA - FW: COVID19 message 03 24 20 v3.docx
COVID19 message 03 24 20 v3.docx

I'd like to make sure you think this makes sense before folding into the current version for Susan.

Ex. 5 AC/DP

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171

Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, March 24, 2020 1:42 PM
To: Bellot, Michael <Bellot.Michael@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: COVID19 message 03 24 20 v3.docx

Proposed edits. Royan and I did a Skype meeting to work through the language changes. This is a redline of a redline. I only made changes to three areas and tried to take a light pen. You should be able to distinguish my edits from the other redline edits. Feel free to give me a call if you can't make them out. Royan has the history too.

Ed

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Wed 3/4/2020 9:43:08 PM (UTC)
Subject: Add'l information - COOP question
[Annex A - Pandemic Flu Plan - December 2015.pdf](#)

It sounds like after tomorrow we'll have more info, but I think current telework policies would be superseded by the attached or some version of it, which allows extended telework under certain situations. We also can authorize situational telework. I expect we'll get a bunch of questions soon.

Amy Miller said some of her folks are already asking if they need to cancel inspections given Donna's email.

-Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171

Ex. 6 Personal Privacy (PP)

WJC South Room 3142D

From: Mayer, Eileen <Mayer.Eileen@epa.gov>
Sent: Wednesday, March 04, 2020 2:00 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: COOP question

I've attached the 2015 plan. Appendix 4 on page 36 covers the telework policy during a pandemic, however I don't know the extent to which OMS will make changes.

Eileen M. Mayer
Continuity of Operations (COOP) Planner
Policy and Legislative Coordination Division/OAP/OECA
U.S. Environmental Protection Agency
Office: 202-564-9628

Ex. 6 Personal Privacy (PP)

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, March 04, 2020 3:53 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Re: COOP question

Thanks!

Also, just as an FYI, we wrote in the general relocation provision into the OCE plan after the flooding in the late 2000s (2007? 2008?) shut down the South building and other parts of the complex for a week or two, and made it so it would apply to any situation in which folks needed to work elsewhere.

Sent from my iPhone

ED_004611E_00004891-00001

OECA COVID-19 2020
FOIAs_Production006

On Mar 4, 2020, at 3:42 PM, Mayer, Eileen <Mayer.Eileen@epa.gov> wrote:

There is a separate Agency plan from 2015 that specifically covers pandemics. The human resources portion focuses on HR flexibilities for leave, alternate work schedules, and increased use of telework. However, OMS is in the process of updating the plan and there is a NICT meeting scheduled for tomorrow to discuss Agency coordination on COVID-19. Hopefully, I'll have more information to share then.

Eileen M. Mayer
Continuity of Operations (COOP) Planner
Policy and Legislative Coordination Division/OAP/OECA
U.S. Environmental Protection Agency
Office: 202-564-9628
Cell: Ex. 6 Personal Privacy (PP)

From: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Sent: Wednesday, March 04, 2020 3:32 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: COOP question

The OECA COOP plan doesn't specifically cover telework by name if an emergency is declared that requires evacuation of the building, although our (OCE's) COOP plan does address relocation of folks to work out of their residences (unless directed to go elsewhere), which would involve teleworking. Also, if directed to do so, OCE's essential personnel (basically the OCE IO and DDs) would report to the COOP site at Mt Weather as their alternate location. There are also provisions in the COOP plan covering notification to employees and timelines, etc., regarding evacuation of HQ/relocation to their alternate work site (home).

Looping in Eileen, as this is a broader OECA (and HQ) issue.

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 04, 2020 3:15 PM
To: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Subject: COOP question

Hi there – I expect we will get questions soon about what changes we may/may not take vis a vis coronavirus. I also expect we'll get some direction soon from Donna Vizian on what EPA's guidance is/will be. This article refers to OPM guidance just issued. Can you let me know what our COOP plan says about telework?

<https://www.govexec.com/management/2020/03/opm-issues-additional-coronavirus-guidance-encouraging-telework-reduced-travel/163522/>

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Mackey, Cyndy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2F2B414786040EE8D75A21FA1C04A9B-MACKEY, CYNDY]
Sent: Wed 3/25/2020 11:30:36 PM (UTC)
Subject: FW: OECA Comments on OLEM Guidance on Continuation of Site Cleanup
continuation of site clean up cmmts from OSRE FFEO and DOJ.docx

FYI

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

Ex. 6 Personal Privacy (PP)
202 564-5110 (Office Line)

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From: Mackey, Cyndy
Sent: Wednesday, March 25, 2020 7:30 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Leff, Karin <Leff.Karin@epa.gov>; Patterson, Kenneth <patterson.kenneth@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Subject: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Susan, Larry and John:

Attached is the OLEM Guidance on Continuation of Site Cleanup with redlined comments from OSRE, FFEO and DOJ that we have provided to Jim Woolford. These comments include the enforcement related comments from the regional counsel’s offices. Note that there is place holder for Susan’s signature on the OLEM document, but that OSRE has suggested that the document be issued by OLEM in coordination with (but not signed by) OECA.

The below table sets forth the differences between the messages in the attached OLEM document and the OECA COVID-19 document. These topics, particularly the list of actions to be suspended/delayed is fairly consistent (except laboratories & training), but may necessitate some minor changes for consistency.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

Ex. 6 Personal Privacy (PP)

202 564-5110 (Office Line)

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From: Mackey, Cyndy
Sent: Wednesday, March 25, 2020 6:40 PM
To: James Woolford (<Woolford.James@epa.gov> <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Patterson, Kenneth <patterson.kenneth@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Bruce Kulpan <Kulpan.Bruce@epa.gov>
Subject: Continuation of site cleanup work guidance

Jim and Dana

Ex. 5 Deliberative Process (DP)

Please keep in the loop as this document develops further.

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

Ex. 6 Personal Privacy (PP)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

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To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Schefski, Kenneth[Schefski.Kenneth@epa.gov]
Cc: Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Dean, Abigail[Dean.Abigail@epa.gov]
From: Bohan, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0A83D74CCF7C4B40ACDBF09C093F3B16-BOHAN, SUZANNE]
Sent: Fri 3/20/2020 9:10:40 PM (UTC)
Subject: RE: COVID enf flexibilities paper

Thanks for the clarification. I agree with Karen’s points about encouraging regulated entities to reach out for assistance/ answers to questions.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 2:49 PM
To: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>
Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: COVID enf flexibilities paper

To clarify, Karen was not talking about anything extra; she just did not want to discourage companies from calling if they have questions about their compliance or how to do the required reporting when they have missed sampling due to COVID.

In addition to TX, LA gave all regulated entities an extra 30 days across the board.

Rosemarie

From: Schefski, Kenneth <Schefski.Kenneth@epa.gov>
Sent: Friday, March 20, 2020 4:45 PM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: COVID enf flexibilities paper

Ex. 5 AC/DP

K.C. Schefski
Regional Counsel
US EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202

Work: 303.312.6843 Ex. 6 Personal Privacy (PP) Fax: 303-312-7202

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Friday, March 20, 2020 2:35 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: COVID enf flexibilities paper

Ex. 5 AC/DP

Ex. 5 AC/DP

Suzanne

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 2:20 PM

To: Bohan, Suzanne <bohan.suzanne@epa.gov>

Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>

Subject: RE: COVID enf flexibilities paper

Suzanne –

I just had a conversation about the flexibilities paper with Karen McGuire.

Ex. 5 AC/DP

Ex. 5 AC/DP

Rosemarie

From: Bohan, Suzanne <bohan.suzanne@epa.gov>

Sent: Friday, March 20, 2020 10:21 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>

Subject: RE: COVID enf flexibilities paper

Rosemarie –

Ex. 5 AC/DP

Suzanne

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Thursday, March 19, 2020 4:37 PM

To: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>

Cc: Bohan, Suzanne <bohan.suzanne@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>

Subject: COVID enf flexibilities paper

KC, Abby—

Ex. 5 AC/DP

Thanks!

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Smith-Watts, David[Smith-Watts.David@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Porter, Amy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A3C7DFBB2E445A7A6D37AABBE73D06B-APORTE02]
Sent: Thur 3/26/2020 10:04:58 PM (UTC)
Subject: RE: Inability to Pay Penalties and COVID-19

Ex. 5 AC/AWP/DP

From: Smith-Watts, David <Smith-Watts.David@epa.gov>
Sent: Thursday, March 26, 2020 5:51 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: FW: Inability to Pay Penalties and COVID-19

Ex. 5 AC/AWP/DP

From: Mahan, Ellen (ENRD) <Ellen.Mahan@usdoj.gov>
Sent: Thursday, March 26, 2020 5:01 PM
To: Smith-Watts, David <Smith-Watts.David@epa.gov>
Subject: RE: Inability to Pay Penalties and COVID-19

David, here are my thoughts. And please feel free to share with Rosemarie.

Ex. 5 AC/AWP/DP

Ellen

From: Smith-Watts, David <Smith-Watts.David@epa.gov>
Sent: Thursday, March 26, 2020 4:35 PM
To: Mahan, Ellen (ENRD) <EMahan@ENRD.USDOJ.GOV>
Subject: RE: Inability to Pay Penalties and COVID-19

Ex. 5 DP and AC

Ex. 5 DP and AC

Regardless, I will stay in touch on this matter as it evolves.

Thanks,
David

David Smith-Watts

ED_004611E_00004918-00001

OECA COVID-19 2020
FOIAs_Production006

Attorney-Advisor
U.S. EPA/OECA/OCE/IO/XPS
1200 Pennsylvania Ave., NW (MC 2241A)
Washington, DC 20460
Phone: (202) 564-4083
Email: smith-watts.david@epa.gov

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From: Mahan, Ellen (ENRD) <Ellen.Mahan@usdoj.gov>
Sent: Thursday, March 26, 2020 3:25 PM
To: Smith-Watts, David <Smith-Watts.David@epa.gov>
Subject: Inability to Pay Penalties and COVID-19

Hi, David.

Ex. 5 Deliberative Process (DP) / AWP/ AC

Ellen M. Mahan
Deputy Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
202/514-3646 (office)
202/305-5779 (cell)
ellen.mahan@usdoj.gov

From: Smith-Watts, David <Smith-Watts.David@epa.gov>
Sent: Thursday, March 26, 2020 10:17 AM
To: Thode, Anna (ENRD) <AThode@ENRD.USDOJ.GOV>
Subject: Inability to Pay Penalties and Coronavirus

Hi Anna – **Ex. 6 Personal Privacy (PP)**

Ex. 5 DP and AC

Any help and coordination would be appreciated!

Thanks,
David

David Smith-Watts
Attorney-Advisor
U.S. EPA/OECA/OCE/IO/XPS
1200 Pennsylvania Ave., NW (MC 2241A)

ED_004611E_00004918-00002

OECA COVID-19 2020
FOIAs_Production006

Washington, DC 20460
Phone: (202) 564-4083
Email: smith-watts.david@epa.gov

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Mon 3/23/2020 5:49:04 PM (UTC)
Subject: RE: Ex. 5 DP / Ex. 7(A)

Ex. 5 AC/AWP/DP/ Ex 7(a)

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171

Ex. 6 Personal Privacy (PP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Monday, March 23, 2020 1:28 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Ex. 7(A)
Importance: High

Karin—

Ex. 5 AC/AWP/DP/ Ex 7(a)

Rosemarie

From: Melvin, Karen <Melvin.Karen@epa.gov>
Sent: Monday, March 23, 2020 1:17 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Rodrigues, Cecil <rodrigues.cecil@epa.gov>
Subject: FW: Ex. 7(A)
Importance: High

Ex. 5 AC/AWP/DP/ Ex 7(a)

US EPA, REGION 3
1650 ARCH STREET
PHILADELPHIA, PA 19103
215-814-3275

From: Rogers, Rick <rogers.rick@epa.gov>
Sent: Monday, March 23, 2020 10:02 AM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Cc: Armstrong, Joan <Armstrong.Joan@epa.gov>; Pratt, Stacie <Pratt.Stacie@epa.gov>
Subject: FW: Ex. 7(A)
Importance: High

Karen,

Ex. 5 AC/DP/ Ex 7(a)

Rick

Rick Rogers, Chief
Water Branch (3ED30)
Enforcement and Compliance Assurance Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
rogers.rick@epa.gov
Office: 215.814.5711
Ex. 5 AC / Ex. 7(A)

From: Zolandz, Mark <Zolandz.Mark@epa.gov>
Sent: Monday, March 23, 2020 8:56 AM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>; Rogers, Rick <rogers.rick@epa.gov>
Subject: FW: Ex. 7(A)
Importance: High

From: Bufill, Lourdes <Bufill.Lourdes@epa.gov>
Sent: Monday, March 23, 2020 8:53 AM
To: Nancy Flickinger <Nancy.Flickinger@usdoj.gov>; Zolandz, Mark <Zolandz.Mark@epa.gov>; Leone, Hannah <Leone.Hannah@epa.gov>
Subject: FW: Ex. 7(A)

FYI, I will let you know once I hear from HQ management.

From: Denton, Loren <Denton.Loren@epa.gov>
Sent: Thursday, March 19, 2020 4:28 PM
To: Bufill, Lourdes <Bufill.Lourdes@epa.gov>
Subject: RE: Ex. 7(A)

Lourdes,

Ex. 5 DP / Ex. 7(A)

Thanks.
Loren

From: Bufill, Lourdes <Bufill.Lourdes@epa.gov>

Sent: Thursday, March 19, 2020 4:12 PM

To: Denton, Loren <Denton.Loren@epa.gov>

Subject: FW: Ex. 7(A)

Loren: This just came in from Paul Calamita. Once we discuss it as a team, I will let you know.

From: Paul Calamita <paul@aqualaw.com>

Sent: Thursday, March 19, 2020 4:09 PM

To: Nancy Flickinger <Nancy.Flickinger@usdoj.gov>

Cc: Leone, Hannah <Leone.Hannah@epa.gov>; Sadtler, Kristen <kristen.sadtler@deq.virginia.gov>; Bufill, Lourdes <Bufill.Lourdes@epa.gov>

Subject: RE: Ex. 7(A)

Nancy,

Ex. 7(a) and (e)

Best,

Paul

Paul Calamita

AquaLaw

(804) 716-9021 ext. 201

Ex. 6 Personal Privacy (PP)

From: Paul Calamita

Sent: Friday, March 6, 2020 3:54 PM

To: 'Flickinger, Nancy (ENRD)' <Nancy.Flickinger@usdoj.gov>

Cc: Leone, Hannah <Leone.Hannah@epa.gov>; Sadtler, Kristen <kristen.sadtler@deq.virginia.gov>; Bufill, Lourdes <Bufill.Lourdes@epa.gov>

Subject: RE: **Ex. 7(A)**

Nancy,

Ex. 7(a) and (e)

Let us know if you have any questions.

Thanks!

Paul Calamita

AquaLaw

(804) 716-9021 ext. 201

Ex. 6 Personal Privacy (PP)

From: Flickinger, Nancy (ENRD) [<mailto:Nancy.Flickinger@usdoj.gov>]

Sent: Thursday, March 5, 2020 12:58 PM

To: Paul Calamita <paul@aqualaw.com>

Cc: Leone, Hannah <Leone.Hannah@epa.gov>; Sadtler, Kristen <kristen.sadtler@deq.virginia.gov>; Bufill, Lourdes <Bufill.Lourdes@epa.gov>

Subject: RE: **Ex. 7(A)**

Hi Paul.

Ex. 7(a) and (e)

Regards – Nancy

From: Paul Calamita <paul@aqualaw.com>

Sent: Monday, February 24, 2020 9:09 AM

To: Flickinger, Nancy (ENRD) <NFlickinge@ENRD.USDOJ.GOV>

Cc: Leone, Hannah <Leone.Hannah@epa.gov>; Sadtler, Kristen <kristen.sadtler@deq.virginia.gov>; Bufill, Lourdes <Bufill.Lourdes@epa.gov>

Subject: RE: **Ex. 7(A)**

Nancy,

Ex. 7(a) and (e)

Ex. 7(a) and (e)

Paul

Paul Calamita
AquaLaw
(804) 716-9021 ext. 201

Ex. 6 Personal Privacy (PP)

From: Flickinger, Nancy (ENRD) [mailto:Nancy.Flickinger@usdoj.gov]

Sent: Tuesday, February 4, 2020 12:23 PM

To: Paul Calamita <paul@aqualaw.com>

Cc: Leone, Hannah <Leone.Hannah@epa.gov>; Sadtler, Kristen <kristen.sadtler@deq.virginia.gov>; Bufill, Lourdes <Bufill.Lourdes@epa.gov>

Subject: Ex. 7(A)

Ex. 7(a) and (e)

Nancy Flickinger
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
Tel: (202) 514-5258

Street address/overnight mail:

4 Constitution Square
150 M Street NE
Suite 2.900
Washington, D.C. 20002

First class mail:

P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

To: McGuire, Karen[Mcguire.Karen@epa.gov]; Szaro, Deb[Szaro.Deb@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 3/16/2020 9:59:30 PM (UTC)
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

That's perfect, Karen. Thanks.

Larry

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Monday, March 16, 2020 5:46 PM
To: Szaro, Deb <Szaro.Deb@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

I just caught up with Rosemarie to talk through the scenarios we have been hearing and how best to handle. Not surprisingly, other regions have similar questions. Rosemarie will be joining an ECAD directors call this week so we are on the same page.

From: Szaro, Deb <Szaro.Deb@epa.gov>
Sent: Monday, March 16, 2020 5:33 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: McGuire, Karen <Mcguire.Karen@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Top Ten List For Pandemic and Natural Disaster Notebook

Yes, we are hearing that from states and utilities. I asked Karen to give you a call. I think we, as an agency, need to get ahead of these requests.

Sent from my iPhone

On Mar 16, 2020, at 5:30 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Deb,

I appreciate your sending this along.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thanks.

Larry

From: Szaro, Deb <Szaro.Deb@epa.gov>
Sent: Sunday, March 15, 2020 4:36 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Fwd: Top Ten List For Pandemic and Natural Disaster Notebook

Please share with your staff.

Sent from my iPhone
Begin forwarded message:

From: "Gutro, Doug" <Gutro.Doug@epa.gov>
Date: March 14, 2020 at 4:56:33 PM EDT
To: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Risley, David" <Risley.David@epa.gov>
Cc: "Szaro, Deb" <Szaro.Deb@epa.gov>

Nancy/ David/ Andrea

We haven't seen anything From you and very much wish to release the Top Ten List for Pandemic and Natural Disaster Notebook.

This is the version we would like to distribute. Your thoughts?

Doug Gutro

To: McGuire, Karen[Mcguire.Karen@epa.gov]
Cc: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 3/16/2020 9:54:56 PM (UTC)
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

Yes, I understand.

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Monday, March 16, 2020 5:54 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

Just covering myself as my supervisor instructed me to call you and, well, I called Rosemarie ...

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Monday, March 16, 2020 5:51 PM
To: McGuire, Karen <Mcguire.Karen@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

Karen,

That's great. If you and Rosemarie are talking, then the issue is in great hands. Please let me know if/when either of you think I need to engage.

Thanks.

Larry

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Monday, March 16, 2020 5:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Top Ten List For Pandemic and Natural Disaster Notebook

Happy to schedule time to chat with you if you'd like to hear details ...

617-918-1711 – work office

work cell

From: McGuire, Karen
Sent: Monday, March 16, 2020 5:46 PM
To: Szaro, Deb <Szaro.Deb@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

I just caught up with Rosemarie to talk through the scenarios we have been hearing and how best to handle. Not surprisingly, other regions have similar questions. Rosemarie will be joining an ECAD directors call this week so we are on the same page.

From: Szaro, Deb <Szaro.Deb@epa.gov>
Sent: Monday, March 16, 2020 5:33 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: McGuire, Karen <Mcguire.Karen@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Top Ten List For Pandemic and Natural Disaster Notebook

Yes, we are hearing that from states and utilities. I asked Karen to give you a call. I think we, as an agency, need to get ahead of these requests.

Sent from my iPhone

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Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thanks.

Larry

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Sent: Sunday, March 15, 2020 4:36 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Subject: Fwd: Top Ten List For Pandemic and Natural Disaster Notebook

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Begin forwarded message:

From: "Gutro, Doug" <Gutro.Doug@epa.gov>

Date: March 14, 2020 at 4:56:33 PM EDT

To: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>,

"Risley, David" <Risley.David@epa.gov>

Cc: "Szaro, Deb" <Szaro.Deb@epa.gov>

Subject: Fwd: Top Ten List For Pandemic and Natural Disaster Notebook

Nancy/ David/ Andrea

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This is the version we would like to distribute. Your thoughts?

Doug Gutro

To: Szaro, Deb[Szaro.Deb@epa.gov]
Cc: McGuire, Karen[Mcguire.Karen@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 3/16/2020 9:51:51 PM (UTC)
Subject: RE: Top Ten List For Pandemic and Natural Disaster Notebook

Perfect, Deb. Thanks.

Larry

From: Szaro, Deb <Szaro.Deb@epa.gov>
Sent: Monday, March 16, 2020 5:33 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: McGuire, Karen <Mcguire.Karen@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Top Ten List For Pandemic and Natural Disaster Notebook

Yes, we are hearing that from states and utilities. I asked Karen to give you a call. I think we, as an agency, need to get ahead of these requests.

Sent from my iPhone

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Deb,

I appreciate your sending this along.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thanks.

Larry

From: Szaro, Deb <Szaro.Deb@epa.gov>
Sent: Sunday, March 15, 2020 4:36 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Fwd: Top Ten List For Pandemic and Natural Disaster Notebook

Please share with your staff.

Sent from my iPhone
Begin forwarded message:

From: "Gutro, Doug" <Gutro.Doug@epa.gov>
Date: March 14, 2020 at 4:56:33 PM EDT
To: "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Risley, David" <Risley.David@epa.gov>
Cc: "Szaro, Deb" <Szaro.Deb@epa.gov>
Subject: Fwd: Top Ten List For Pandemic and Natural Disaster Notebook

Nancy/ David/ Andrea

We haven't seen anything From you and very much wish to release the Top Ten List for Pandemic and Natural Disaster Notebook.

This is the version we would like to distribute. Your thoughts?

Doug Gutro

To: Payne, James[payne.james@epa.gov]
Cc: Welton, Patricia[Welton.Patricia@epa.gov]; Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: matthew.kuryla@bakerbotts.com[matthew.kuryla@bakerbotts.com]
Sent: Fri 3/13/2020 12:50:50 AM (UTC)
Subject: Re: Coronavirus question

Thanks! Patricia, I'll call you tomorrow.

Sent from my iPhone

On Mar 12, 2020, at 7:43 PM, Payne, James <payne.james@epa.gov> wrote:

[EXTERNAL EMAIL]

Hi Matt. Thanks for this inquiry about virus-related compliance issues in Texas. Referring this to Patricia Welton, who is serving as acting Regional Counsel for Region 6. Last Fall I moved to the agency's OGC in DC. Jim 202-564-0212

Sent from my iPhone

On Mar 12, 2020, at 6:36 PM, "matthew.kuryla@bakerbotts.com"
<matthew.kuryla@bakerbotts.com> wrote:

Jim, the TIP group has a meeting tomorrow focused on Coronavirus-related compliance issues. A member asked about enforcement discretion for deferral of scheduled RMP-related audits and similar issues in EPA's realm. We'd be interested in a process, or at least the right contact, for our members to use. If you have a minute, please call me on cell at 713-504-0313.

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To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Koslow, Karin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D00AA4F4FEAD4A3FA02F0CAFE57ED221-KOSLOW, KARIN]
Sent: Fri 3/13/2020 2:51:39 AM (UTC)
Subject: Re: Coronavirus question

Yes
And a special note to Jim that he should feel free to just forward these type of inquiries to us.

Karin Koslow
Deputy Director, Office of Civil Enforcement,
Office of Enforcement and Compliance Assurance
202-564-0171

On Mar 12, 2020, at 10:30 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Rosemarie

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>
Date: March 12, 2020 at 8:42:59 PM EDT
To: "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com>, "Welton, Patricia" <Welton.Patricia@epa.gov>
Cc: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Subject: Re: Coronavirus question

Hi Matt. Thanks for this inquiry about virus-related compliance issues in Texas. Referring this to Patricia Welton, who is serving as acting Regional Counsel for Region 6. Last Fall I moved to the agency's OGC in DC. Jim 202-564-0212

Sent from my iPhone

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address above and destroy any and all copies of this message.

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
Cc: Seager, Cheryl[Seager.Cheryl@epa.gov]; Murdock, Russell[Murdock.Russell@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]
From: Welton, Patricia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=04374B1A19E84BB88C61FAC683D9CA12-WELTON, PATRICIA]
Sent: Fri 3/13/2020 3:52:19 AM (UTC)
Subject: Fwd: Coronavirus question

Hi Rosemarie

Ex. 5 Deliberative Process (DP)

Thank you for your assistance.
Tricia

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>
Date: March 12, 2020 at 7:42:59 PM CDT
To: "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com>, "Welton, Patricia" <Welton.Patricia@epa.gov>
Cc: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Subject: **Re: Coronavirus question**

Hi Matt. Thanks for this inquiry about virus-related compliance issues in Texas. Referring this to Patricia Welton, who is serving as acting Regional Counsel for Region 6. Last Fall I moved to the agency's OGC in DC. Jim 202-564-0212

Sent from my iPhone

On Mar 12, 2020, at 6:36 PM, "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com> wrote:

Jim, the TIP group has a meeting tomorrow focused on Coronavirus-related compliance issues. A member asked about enforcement discretion for deferral of scheduled RMP-related audits and similar issues in EPA's realm. We'd be interested in a process, or at least the right contact, for our members to use. If you have a minute, please call me on cell at 713-504-0313.

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To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Welton, Patricia/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=04374B1A19E84BB88C61FAC683D9CA12-WELTON, PATRICIA]
Sent: Fri 3/13/2020 3:53:24 AM (UTC)
Subject: Prior email re- CONVID-19 Quarantine Facilities

As referred to in my prior email

Begin forwarded message:

From: "Brooks, Phillip" <Brooks.Phillip@epa.gov>
Date: March 10, 2020 at 1:15:34 PM CDT
To: "Payne, James" <payne.james@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>
Cc: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Gray, David" <gray.david@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Fried, Gregory" <Fried.Gregory@epa.gov>, "Belser, Evan" <Belser.Evan@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Ex. 5 Deliberative Process (DP)

From: Payne, James
Sent: Tuesday, March 10, 2020 12:35 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Gray, David <gray.david@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: State Requests - CONVID-19 Quarantine Facilities

To Patricia Welton, Acting Regional Counsel, Region 6

Thanks for your note on states requesting assistance with how potential quarantines may affect implementation of and compliance with environmental laws, perhaps with some similarities to hurricane response. You mentioned one Region 6 refinery has submitted a force majeure notice under an existing enforcement consent decree.

As to OGC, connecting you with Jen Lewis and John Michaud, as they oversee OGC legal support team for emergency response. My understanding is that earlier there had been some internal legal preparations related to Ebola.

Sent from my iPhone

On Mar 10, 2020, at 11:36 AM, Welton, Patricia <Welton.Patricia@epa.gov> wrote:

Good Morning

Region 6 is getting questions from our states requesting frameworks for moving forward in the event of Covid-19 quarantines and will likely be asking for expressions of flexibility for a number of requirements. Do you know if there is any national guidance coming out or existing resources we can point states to? As for existing - this seems that it could be similar to a hurricane situation. In an additional note, we have received one Force Majeure notice already from a refinery under CD in anticipation of a potential event. I appreciate any guidance,
Tricia
214-665-7327

Rosemarie – I note Larry may be out so sharing this email with you also.

From: Seager, Cheryl <Seager.Cheryl@epa.gov>
Sent: Tuesday, March 10, 2020 10:28 AM
To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Welton, Patricia <Welton.Patricia@epa.gov>
Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi guys – we got this from the DRA – do you know if any other regions have gotten similar requests, and if they have, how they are handling them?

Thanks,
Cheryl

From: Gray, David <gray.david@epa.gov>
Sent: Tuesday, March 10, 2020 10:24 AM
To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>
Subject: State Requests - CONVID-19 Quarantine Facilities

States are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Do we have any guidance?

To: Sullivan, Greg[Sullivan.Greg@epa.gov]; Saenz, Diana[Saenz.Diana@epa.gov]; Crossland, Andy[Crossland.Andy@epa.gov]
Cc: Bellot, Michael[Bellot.Michael@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]
From: Kelley, Rosemarie[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Wed 3/25/2020 1:00:45 PM (UTC)
Subject: RE: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Sullivan, Greg <Sullivan.Greg@epa.gov>
Sent: Wednesday, March 25, 2020 8:23 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Cc: Bellot, Michael <Bellot.Michael@epa.gov>
Subject: RE: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 8:09 PM
To: Sullivan, Greg <Sullivan.Greg@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>
Subject: FW: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

FYI

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Monday, March 23, 2020 7:11 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>
Subject: RE: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Yes, Rosemarie, but unfortunately I don't have any additional context from Karen Melvin.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Monday, March 23, 2020 5:09 PM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Hindin, David <Hindin.David@epa.gov>
Subject: RE: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Suzanne—

Is this a suggested edit/addition to the enforcement flexibility paper that we are working on?

Rosemarie

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Monday, March 23, 2020 2:31 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Subject: FW: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

See R3 message.

From: Melvin, Karen <Melvin.Karen@epa.gov>

Sent: Monday, March 23, 2020 11:57 AM

To: Bohan, Suzanne <bohan.suzanne@epa.gov>

Subject: RE: FYSA: CLOSE HOLD: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

KAREN MELVIN, DIRECTOR
ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION
US EPA, REGION 3
1650 ARCH STREET
PHILADELPHIA, PA 19103
215-814-3275

To: Karen McGuire (Mcguire.Karen@epa.gov)[Mcguire.Karen@epa.gov]
From: Kelley, Rosemarie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Fri 3/20/2020 8:02:20 PM (UTC)
Subject: FW: Latest version of enforcement flexibilities paper

Kelley, Rosemarie has shared a OneDrive for Business file with you. To view it, click the link below.

 COVID19 message 03 20 20.docx

From: Kelley, Rosemarie
Sent: Friday, March 20, 2020 3:11 PM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; OECA-OCE-MANAGERS <OECAOCEMANAGERS@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Latest version of enforcement flexibilities paper

Attached is the version I just shared with Susan in prep for her call with the AAs at 3:30.

Rosemarie

From: Kelley, Rosemarie
Sent: Friday, March 20, 2020 3:09 PM
To: Susan Bodine (bodine.susan@epa.gov) <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Karen McGuire (Mcguire.Karen@epa.gov)[Mcguire.Karen@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Thur 3/19/2020 10:39:59 PM (UTC)
Subject: COVID-related flexibilities paper
Option 3 re COVID19 message rak rev.docx

Karen-

I don't know if this will help you or not, but here is the latest version of the COVID-related enforcement flexibilities paper.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Koslow, Karin[Koslow.Karin@epa.gov]; Porter, Amy[Porter.Amy@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Fri 3/13/2020 3:34:34 PM (UTC)
Subject: RE: Coronavirus question

I do not.

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Friday, March 13, 2020 11:09 AM
To: Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Coronavirus question

Do either of you have the OAR Bulletin that Carol is referring to below? I couldn't find anything on the intranet or internet and don't know what she's referring to.

Thanks,
Karin

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

From: Holmes, Carol <Holmes.Carol@epa.gov>
Sent: Friday, March 13, 2020 7:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: Re: Coronavirus question

Ex. 5 Deliberative Process (DP)

Thanks!

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

Carol S. Holmes
Senior Counsel
Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-8709

Ex. 5 Deliberative Process (DP)

Rosemarie

Begin forwarded message:

From: "Payne, James" <payne.james@epa.gov>
Date: March 12, 2020 at 8:42:59 PM EDT
To: "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com>, "Welton, Patricia" <Welton.Patricia@epa.gov>
Cc: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Subject: Re: Coronavirus question

Hi Matt. Thanks for this inquiry about virus-related compliance issues in Texas. Referring this to Patricia Welton, who is serving as acting Regional Counsel for Region 6. Last Fall I moved to the agency's OGC in DC. Jim 202-564-0212

Sent from my iPhone

On Mar 12, 2020, at 6:36 PM, "matthew.kuryla@bakerbotts.com" <matthew.kuryla@bakerbotts.com> wrote:

Jim, the TIP group has a meeting tomorrow focused on Coronavirus-related compliance issues. A member asked about enforcement discretion for deferral of scheduled RMP-related audits and similar issues in EPA's realm. We'd be interested in a process, or at least the right contact, for our members to use. If you have a minute, please call me on cell at 713-504-0313.

Confidentiality Notice:

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To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Sat 3/21/2020 6:00:49 PM (UTC)
Subject: FW: Latest version of enforcement flexibilities paper
COVID19 message 03 20 20.docx

Larry –

Ex. 5 Deliberative Process (DP)

Rosemarie

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Friday, March 20, 2020 5:45 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Can't save in the cloud for some reason. Hopefully you can see these ...

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 5:21 PM
To: McGuire, Karen <Mcguire.Karen@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Hmm. I'm not seeing your changes in the document. Did you revise the one I sent you at 4:02 today?

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Friday, March 20, 2020 5:03 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Re: Latest version of enforcement flexibilities paper

I thought I entered edits in the cloud?

Sent from my iPhone

On Mar 20, 2020, at 4:57 PM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Did you mean to attach a document? I gave Suzanne a heads up about the issues you raise.

Rosemarie

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Friday, March 20, 2020 4:49 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

I added some questions and comments. I can give Suzanne a shout to talk it through.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 4:02 PM
To: McGuire, Karen <Mcguire.Karen@epa.gov>
Subject: FW: Latest version of enforcement flexibilities paper

From: Kelley, Rosemarie
Sent: Friday, March 20, 2020 3:11 PM
To: Bohan, Suzanne <bohan.suzanne@epa.gov>; OECA-OCE-MANAGERS <OECAOCEMANAGERS@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Latest version of enforcement flexibilities paper

Attached is the version I just shared with Susan in prep for her call with the AAs at 3:30.

Rosemarie

From: Kelley, Rosemarie
Sent: Friday, March 20, 2020 3:09 PM
To: Susan Bodine (bodine.susan@epa.gov) <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Koslow, Karin[Koslow.Karin@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Wed 3/25/2020 7:51:22 PM (UTC)
Subject: RE: ACTION: COVID19 ED/RC topic tomorrow

No problem w/Kathleen joining, but would like an OCE staffer on it as well. Tessa?

Rosemarie

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Wednesday, March 25, 2020 3:39 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: ACTION: COVID19 ED/RC topic tomorrow

Great! What do you think about asking Kathleen if she'd be willing to join and help keep us in the loop/pull us in as needed??

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Wednesday, March 25, 2020 3:33 PM
To: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: ACTION: COVID19 ED/RC topic tomorrow

At the end of the ED/RC call, Suzanne mentioned that LR would be forming a tiger team to tackle these issues.

Rosemarie

From: Dean, Abigail <Dean.Abigail@epa.gov>
Sent: Wednesday, March 25, 2020 1:48 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Russo, Rebecca <Russo.Rebecca@epa.gov>
Subject: FW: ACTION: COVID19 ED/RC topic tomorrow

All,

Lead Region received several questions in response to Suzanne's message below. We plan to ask the individuals who submitted questions to raise their issues on today's ED/RC call. Here is the list of questions we have received so far –

- R10
 - R8
- ## Ex. 5 Deliberative Process (DP) / Ex. 7(e)
- Many regions are having discussions with state commissioners this week (R8 is meeting with ND tomorrow). If these meetings occur before Susan's guidance is released, what can regions tell the states? States want to discuss industry

Ex. 5 Deliberative Process (DP) / Ex. 7(e)

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• R3

Ex. 5 Deliberative Process (DP) / Ex. 7(e) & 7(a)

• R4

Ex. 5 Deliberative Process (DP) / Ex. 7(e) & 7(a)

• R1

- PPE – need for respiratory protection (i.e., N95 masks) if necessary for R1 field work; one state has made a request for PPE; waste water treatment operators are raising questions/concerns about H&S and access to PPE

Ex. 5 Deliberative Process (DP) / Ex. 7(e) & 7(a)

- Coordination with states: we have increased our regular coordination with states (e.g., we are holding more frequent calls with state enforcement leads and with NPDES state contacts, and are supporting calls conveyed by our program colleagues with state counterparts).

Ex. 5 Deliberative Process (DP) / Ex. 7(e) & 7(a)

We apologize for the short notice.

Thank you,
LR Team

Abigail Dean
OECA Lead Region Coordinator
Senior Assistant Regional Counsel | Office of Regional Counsel | Regulatory Enforcement Section
Environmental Protection Agency Region 8 | 1595 Wynkoop St. | Mail Code: 8ORC-R | Denver, CO 80202
Office: (303) 312-6106
Ex. 6 Personal Privacy (PP)

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Tuesday, March 24, 2020 3:38 PM
To: ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>
Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: ACTION: COVID19 ED/RC topic tomorrow

ECAD and ORC Colleagues—

Thank you for setting aside time tomorrow for the ED/RC monthly call at 2p eastern. That call will be heavily devoted to COVID-19 issues (see below draft agenda excerpt). We will not hold the separate COVID-19 call at 3 ET but would like to reserve that time on your calendars in case the ED/RC call runs long.

Susan and Larry very much want to hear from everyone on the specific COVID-19 related enforcement issues you are facing. To help us manage the call most efficiently and minimize participants talking over each other, we would appreciate you sending questions and challenges to Joe and Abby ahead of time and we will call on those of you who give us advance comments to share those comments. We will make sure all regions have an opportunity to speak even if you aren't able to provide us feedback prior to the ED/RC call.

Ex. 5 Deliberative Process (DP)

DRAFT ED/RC COVID-19 TOPICS

Ex. 5 Deliberative Process (DP)

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202
303.312.6925
Bohan.suzanne@epa.gov

Twitter: [@EPARegion8](https://twitter.com/EPARegion8)
Facebook: [U.S. EPA Region 8](https://www.facebook.com/USEPARegion8)
Webpage: [EPA Region 8](https://www.epa.gov/region8) (Mountains and Plains)



To: McGuire, Karen[Mcguire.Karen@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Fri 3/20/2020 4:02:43 PM (UTC)
Subject: RE: COVID-related flexibilities paper

Sure. That would be helpful.

Rosemarie

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Friday, March 20, 2020 11:58 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: COVID-related flexibilities paper

We can offer comments to adjust to make this more public facing if that is helpful. Since states and localities on front lines (so much more so than us), may make sense to do that.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 8:45 AM
To: McGuire, Karen <Mcguire.Karen@epa.gov>
Subject: RE: COVID-related flexibilities paper

Sure.

From: McGuire, Karen <Mcguire.Karen@epa.gov>
Sent: Friday, March 20, 2020 8:06 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: COVID-related flexibilities paper

Thanks- will take a look. Are you ok if I share with a few people here who have been helping me figure out how to respond to requests like these?

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Thursday, March 19, 2020 6:40 PM
To: McGuire, Karen <Mcguire.Karen@epa.gov>
Subject: COVID-related flexibilities paper

Karen-

I don't know if this will help you or not, but here is the latest version of the COVID-related enforcement flexibilities paper.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

We welcome any feedback you have or ideas for that category.

As you know, the pressure is building for some statement by HQ about this issue, so I expect we'll be turning around another draft to send up to Susan tomorrow.

Ex. 5 Deliberative Process (DP)

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Pollins, Mark[Pollins.Mark@epa.gov]; Joseph Theis[Theis.Joseph@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Benjamin Bahk (Bahk.Benjamin@epa.gov)[Bahk.Benjamin@epa.gov]
Cc: Koslow, Karin[Koslow.Karin@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Tue 3/24/2020 2:31:08 PM (UTC)
Subject: FW: another PHMSA doc
[PHMSA Notice on Enforcement.pdf](#)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 10:30 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: another PHMSA doc

From: Bodine, Susan
Sent: Tuesday, March 24, 2020 10:28 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 9:12 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Susan –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:57 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-24-20 version -

Let me do some reorganizing and then pass the redline and pen on to you.

Then let's circle back after the 11 am with the Administrator.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Tuesday, March 24, 2020 8:55 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan—

What would be most helpful to you at this point? Should we have a brief call to talk about how to move forward? Or do you want John and Carol to take a shot at revising, incorporating DOJ's comments, as well as some of our own?

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:24 AM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 24, 2020 8:07 AM
ED_004611E_00005012-00002

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:20 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 23, 2020 6:17 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:07 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Attached adds minor edit regarding

Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 10:04 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 9:49 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>

Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 2:56 PM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>

Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>

Sent: Sunday, March 22, 2020 1:38 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 11:32 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and **Ex. 5 Deliberative Process (DP)**

From: Bodine, Susan
Sent: Sunday, March 22, 2020 10:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan
Sent: Saturday, March 21, 2020 9:06 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan
Sent: Saturday, March 21, 2020 8:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 7:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Saturday, March 21, 2020 7:02 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

BTW, I haven't seen updates from OLEM on their document since last night. At that point, it was still a draft that they were not ready to broadly share.

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 5 AC/DP Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

ED_004611E_00005012-00009

OECA COVID-19 2020
FOIAs_Production006

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 3:09 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

Cc: Bohan, Suzanne[bohan.suzanne@epa.gov]; Wilwerding, Joseph[Wilwerding.Joseph@epa.gov]; Schefski, Kenneth[Schefski.Kenneth@epa.gov]
To: Dean, Abigail[Dean.Abigail@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Fri 3/20/2020 2:39:18 PM (UTC)
Subject: Re: COVID enf flexibilities paper

Abby-
That would be very helpful. Thanks

Rosemarie

On Mar 20, 2020, at 10:31 AM, Dean, Abigail <Dean.Abigail@epa.gov> wrote:

Thank you for the opportunity to review, Rosemarie. I'm happy to begin incorporating Suzanne's examples into the current draft of the document.

Best,
Abby

Abigail Dean
OECA Lead Region Coordinator
Senior Assistant Regional Counsel | Office of Regional Counsel | Regulatory Enforcement Section
Environmental Protection Agency Region 8 | 1595 Wynkoop St. | Mail Code: 8ORC-R | Denver, CO 80202
Office: (303) 312-6106
Cell: Ex. 6 Personal Privacy (PP)

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Friday, March 20, 2020 8:21 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Subject: RE: COVID enf flexibilities paper

Rosemarie –

Ex. 5 Deliberative Process (DP)

Suzanne

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Thursday, March 19, 2020 4:37 PM
To: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>
Cc: Bohan, Suzanne <bohan.suzanne@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Subject: COVID enf flexibilities paper

KC, Abby—

Here is the latest version of the COVID-related enforcement flexibilities paper. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) We welcome any feedback you have or ideas for that category.

As you know, the pressure is building for some statement by HQ about this issue, so I expect we'll be turning around another draft to send up to Susan tomorrow.

Ex. 5 Deliberative Process (DP)

Thanks!

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Bohan, Suzanne[bohan.suzanne@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Wed 3/18/2020 3:55:17 PM (UTC)
Subject: RE: draft options paper for providing flexibility to regulated entities

I just did that. Thanks.

Rosemarie

From: Bohan, Suzanne <bohan.suzanne@epa.gov>
Sent: Wednesday, March 18, 2020 11:31 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: draft options paper for providing flexibility to regulated entities

Rosemarie –

Would you add KC to your email list and ask for his input? I'd appreciate it.

Thanks,
Suzanne

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, March 18, 2020 9:00 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>
Subject: RE: draft options paper for providing flexibility to regulated entities

Rosemarie,

Ex. 5 Deliberative Process (DP)

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Starfield, Lawrence
Sent: Wednesday, March 18, 2020 9:31 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: RE: draft options paper for providing flexibility to regulated entities

Rosemarie (and others),

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Tuesday, March 17, 2020 9:21 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>

Cc: Koslow, Karin <Koslow.Karin@epa.gov>

Subject: draft options paper for providing flexibility to regulated entities

Larry, Suzanne, Karin and Cyndy—

Attached is a draft options paper on providing flexibility to regulated entities. Before sharing it with Susan, I would like to get your reactions. Thanks.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Karen McGuire (Mcguire.Karen@epa.gov)[Mcguire.Karen@epa.gov]
From: Kelley, Rosemarie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23B7C900323047FCA012DF62C58C4D22-RKELLEY]
Sent: Mon 3/16/2020 9:05:17 PM (UTC)
Subject: FW: Attachment here - Top Ten List For Pandemic and Natural Disaster Notebook
[DWsysTopTen2.pdf](#)

From: Kelley, Rosemarie
Sent: Monday, March 16, 2020 2:34 PM
To: Holmes, Carol <Holmes.Carol@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>
Cc: Amy Porter (Porter.Amy@epa.gov) <Porter.Amy@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Attachment here - Top Ten List For Pandemic and Natural Disaster Notebook
Importance: High

FYI –Attached is the pamphlet of emergency response tips for DW and WW systems that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Koslow, Karin <Koslow.Karin@epa.gov>
Sent: Monday, March 16, 2020 10:23 AM
To: Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>
Cc: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Attachment here - Top Ten List For Pandemic and Natural Disaster Notebook
Importance: High

Here’s the attachment

Karin Koslow
Deputy Director, Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Desk: (202) 564-0171
Cell: Ex. 6 Personal Privacy (PP)
WJC South Room 3142D

To: Mackey, Cyndy[Mackey.Cyndy@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Tue 3/24/2020 4:20:29 PM (UTC)
Subject: FW: 3-22-20 version - ECOS and restricted use pesticides
[ENRD Proposed Edits to Draft EPA COVID-19 Memo.docx](#)

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 24, 2020 8:24 AM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Ex. 5 Deliberative Process (DP)

We are talking to the Administrator today at 11 am.

From: Hindin, David <Hindin.David@epa.gov>
Sent: Tuesday, March 24, 2020 8:07 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version - ECOS and restricted use pesticides

Susan:

Okay, I am going to talk with Jim later this morning.

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 23, 2020 6:20 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Yes, go ahead. We will probably be able to give them Tuesday pm to Wednesday pm.

From: Hindin, David <Hindin.David@epa.gov>

Sent: Monday, March 23, 2020 6:17 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Hi Susan:

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 23, 2020 6:07 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

I can add that to the next version. There were a lot of comments. See attached.

Ex. 5 Deliberative Process (DP)

I will send to the Administrator in the morning.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Monday, March 23, 2020 6:03 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: 3-22-20 version

Susan—

Sorry for the late suggestion

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Monday, March 23, 2020 10:15 AM

To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan

<bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

Attached adds minor edit regarding **Ex. 5 Deliberative Process (DP)**

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 6 Personal Privacy (PP) Office Cell)

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From: Hindin, David <Hindin.David@epa.gov>
Sent: Monday, March 23, 2020 10:04 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

I added a few comments on top of Rosemarie and John Fogarty comments. Attached

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Monday, March 23, 2020 9:49 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Subject: RE: 3-22-20 version

Susan—

In advance of our 11 am call, I would like to flag a few remaining issues:

Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

See attached for a few edits along these lines.

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 2:56 PM
To: Hindin, David <Hindin.David@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Cc: Loving, Shanita <Loving.Shanita@epa.gov>; Bailey-Morton, Ethel <Bailey-Morton.Ethel@epa.gov>
Subject: RE: 3-22-20 version

Yes, I'll ask Shanita to set up a call

From: Hindin, David <Hindin.David@epa.gov>
Sent: Sunday, March 22, 2020 1:38 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Thanks, Susan.

Ex. 5 Deliberative Process (DP)

We also may have a few other tweaks to discuss if there is time on Monday before you send it final.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 11:32 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: 3-22-20 version

Here is what I sent to the AAs – no redline and **Ex. 5 Deliberative Process (DP)**

From: Bodine, Susan
Sent: Sunday, March 22, 2020 10:43 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

Susan

From: Bodine, Susan
Sent: Saturday, March 21, 2020 9:06 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan
Sent: Saturday, March 21, 2020 8:56 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 7:32 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Saturday, March 21, 2020 7:02 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 5 AC/DP Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Saturday, March 21, 2020 5:56 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Saturday, March 21, 2020 4:05 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Saturday, March 21, 2020 2:36 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 3:09 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>

Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
202-564-4014

To: Mackey, Cyndy[Mackey.Cyndy@epa.gov]
From: Woolford, James[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9A70358E7660435CBE6AFA87B7B9B71B-WOOLFORD, JAMES]
Sent: Thur 3/26/2020 7:41:33 PM (UTC)
Subject: FW: Enforcement Memo Signed
Memorandum on COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program (March 26, 2020).pdf

Jim Woolford, Director, OSRTI

Phone: 703-603-8722 (work direct)

Ex. 6 Personal Privacy (PP)

Email: Woolford.james@epa.gov

From: Fonseca, Silvina <Fonseca.Silvina@epa.gov>
Sent: Thursday, March 26, 2020 3:38 PM
To: Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Cc: Gartner, Lois <Gartner.Lois@epa.gov>; Schutz, Michelle <Schutz.Michelle@epa.gov>
Subject: Enforcement Memo Signed

Silvina Fonseca
Senior Advisor
Office of Land and Emergency Management
U.S. Environmental Protection Agency
Desk: 202.564.1955

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

AGENDA

1) General Updates (40 minutes)

- **Topic Leader:** Susan Bodine, OECA

- **Description:**

Press releases

Ex. 5 Deliberative Process (DP)

- COVID-19

- How the regions are handling enforcement discretion questions/issues?

- Bodine Draft Enforcement Discretion Memo

Ex. 5 Deliberative Process (DP)

- Unregistered pesticides/disinfectants

Ex. 5 Deliberative Process (DP)

- OCSPP Approved Products communication:

- Please see attached material “Office of Pesticides Program Approved Products, FAQs in response to COVID-19”

- **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

- PPE and Restricted Use Pesticides: Availability of adequate PPE for workers

Ex. 5 Deliberative Process (DP) / Ex. 7(E)

- Regional COOP Operating Status: Discussion of additional impacts

Ex. 5 Deliberative Process (DP) / Ex. 7(E)

- COVID-19 PPE and training: topic covered under Budget discussion
 - EPA PPE Donations

2) Continuing the Mission: Field Employees (10 min) ○

Topic Leaders: Larry Starfield, OECA, David Hindin, OC

- **Description:** **Ex. 5 Deliberative Process (DP) / Ex. 7(E)**

Ex. 5 Deliberative Process (DP) / Ex. 7(E)

- **Materials:** **Ex. 5 Deliberative Process (DP) / Ex. 7(E)**

Ex. 5 Deliberative Process (DP) / Ex. 7(E)

Ex. 5 Deliberative Process (DP) / Ex. 7(E)

3) Budget (5 min) ○ Topic: David Swack/Larry Starfield, OECA

- **Description:** **Ex. 5 Deliberative Process (DP) / Ex. 7(E)**

Ex. 5 Deliberative Process (DP) / Ex. 7(E)

Ex. 5 Deliberative Process (DP)

4) SEMM Follow-Up Items (10 min) ○ Topic Leader: Suzanne Bohan, LR

- **Description:** Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- Materials:** Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- 5) **Mobile Source NCI and tracking system demo (15 min)** ○

Topic Leader: Evan Belser, OCE; Lauren Tozzi, OCE

- **Description:** Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- **Materials:** Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- 6) **Civil/Criminal Coordination Policy (5 min)** ○ **Topic**

Leader: Pam Mazakas, OCEFT

- **Description:** Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- **Materials:** Civil-Criminal Coordination Policy Survey Email; Civil-Criminal Coordination Policy Training Module

- 7) **Coordinating Civil Litigation Holds and eDiscovery Search Requests with OCEFT (5 min)**

- **Topic Leader:** Mike Fisher, OCEFT
- **Description:** This memo is informational for ED/RC group. Please email Mike Fisher if anyone has any comments/concerns or would like to discuss at a future meeting.
- **Materials:** Draft Memorandum

- 8) **Optional Regional Roundtable**

- Any additional feedback on the topics discussed today?

To: Patterson, Kenneth[patterson.kenneth@epa.gov]; Gardner, Monica[Gardner.Monica@epa.gov]
Cc: DeLeon, Rafael[Deleon.Rafael@epa.gov]
From: Mackey, Cyndy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2F2B414786040EE8D75A21FA1C04A9B-MACKEY, CYNDY]
Sent: Thur 3/26/2020 3:50:17 PM (UTC)
Subject: FW: CLOSE HOLD - Senior Manager Review Only - OECA Enforcement discretion memo
COVID19 Policy final draft.docx

Ken, Monica and Rafael

Please review this document: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Cyndy Mackey
Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

 Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

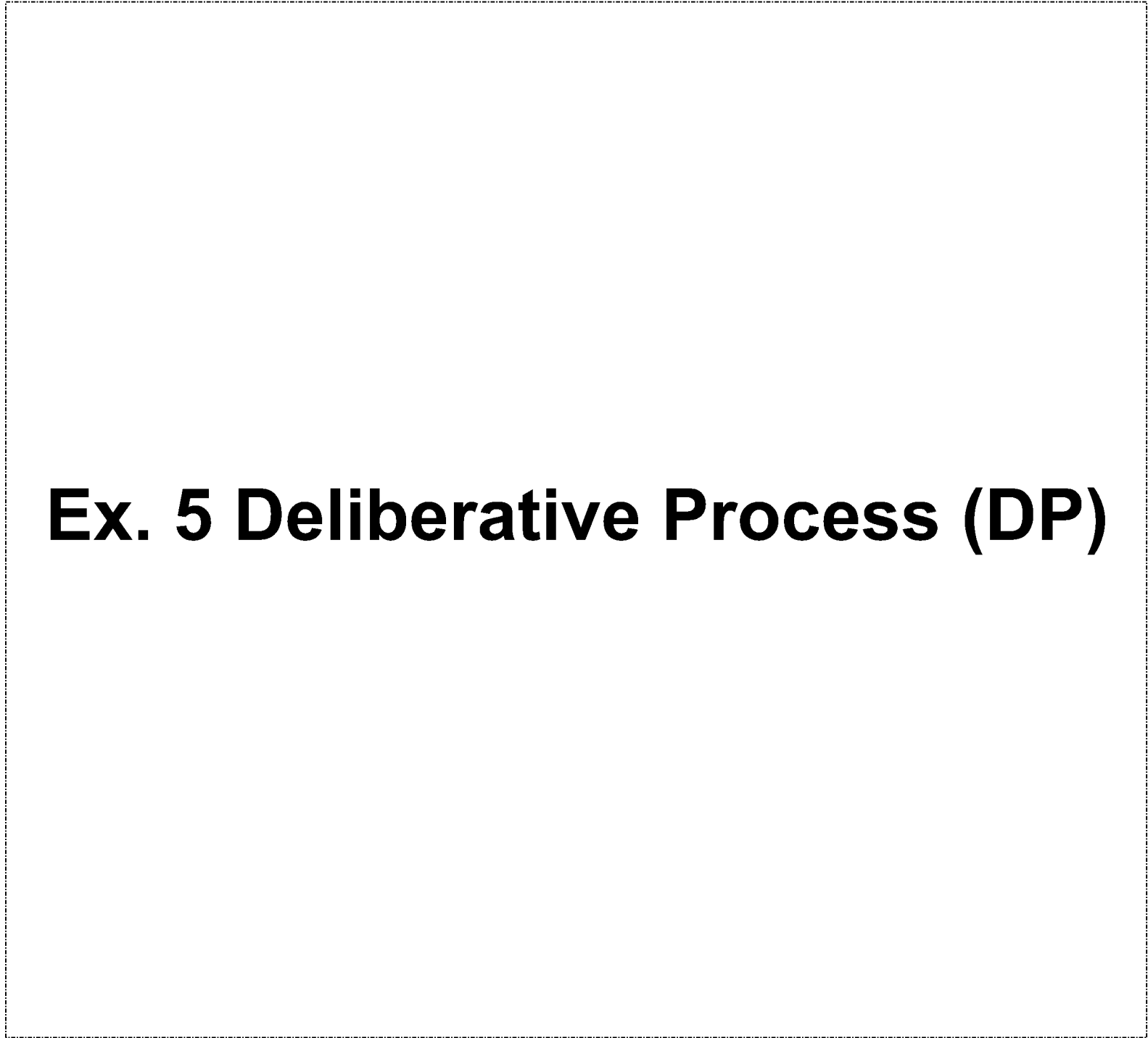
From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, March 25, 2020 3:08 PM
To: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; OECA Office Directors and Deputy Directors <OECA_Office_Directors_and_Deputy_Directors@epa.gov>
Subject: Enforcement discretion memo

Ex. 5 Deliberative Process (DP)

Susan

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Payne, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: Tue 3/24/2020 3:17:21 PM (UTC)
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
steve n comments on oeca covid 19 doc 3-23.docx

Hi Larry. Forwarding these as staff technical comments and not as OGC front office-approved comments or policy views. We've spoken about most of comments 2-4 and some of comment 1. And I understand DOJ ENRD has provided comments. Jim Ex. 5 Personal Privacy (PP)
Ex. 5 Personal Privacy (PP) EW CELL



Ex. 5 Deliberative Process (DP)

From: Bodine, Susan
Sent: Sunday, March 22, 2020 11:31 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>;

Ross, David P <ross.davidp@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Sethuraman, Jag <Sethuraman.Jag@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
Importance: High

AAs et al,

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

12

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Payne, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: Wed 3/25/2020 11:45:10 PM (UTC)
Subject: RE: SUPPLEMENTAL OGC COMMENTS - RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT
CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Wednesday, March 25, 2020 1:53 PM
To: Payne, James <payne.james@epa.gov>
Subject: RE: SUPPLEMENTAL OGC COMMENTS - RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Susan will talk to Matt about it.

From: Payne, James <payne.james@epa.gov>
Sent: Wednesday, March 25, 2020 1:40 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Re: SUPPLEMENTAL OGC COMMENTS - RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Mar 25, 2020, at 1:32 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Larry
This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Payne, James <payne.james@epa.gov>
Sent: Wednesday, March 25, 2020 12:49 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: SUPPLEMENTAL OGC COMMENTS - RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT
CONFIDENTIAL

Ex. 5 Deliberative Process (DP)

SUPPLEMENTAL OGC COMMENTS

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Sheehan, Charles[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B55FD64B0E9C4E98BEE51124089110D2-SHEEHAN, CHARLES]
Sent: Wed 3/25/2020 2:30:36 PM (UTC)
Subject: Re: Cape Fear etc.

Thanks a lot, Larry.

Chuck

Sent from my iPhone

> On Mar 25, 2020, at 10:02 AM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:
>
> Yes, we are working on a memo discussing appropriate enforcement discretion/flexibility in light of CoVid-19 restrictions affecting the regulated community. I'll send you a copy as soon as it is approved, hopefully tomorrow.
>
> Larry
>
> This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.
>
> -----Original Message-----
> From: Sheehan, Charles <Sheehan.Charles@epa.gov>
> Sent: Wednesday, March 25, 2020 8:11 AM
> To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
> Subject: Cape Fear etc.
>
> Larry: We keep hearing about a "Bodine memo" or other characterizations of an enforcement wavier-like policy afoot. Is anything actually written and in place that OIG could obtain?
>
> I'll get back to you this morning on your Cape Fear issues.
>
> Thanks.
>
> Chuck
>
> Sent from my iPhone

To: Starfield, Lawrence[Starfield.Lawrence@epa.gov]
From: Wilwerding, Joseph[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B22A8959DB2548EB83549805319576D4-WILWERDING,]
Sent: Wed 3/18/2020 6:34:44 PM (UTC)
Subject: Re: Agenda for COVID-19 call today: quick feedback requested

Yes, sounds like the RCs are in that boat as well. Love to address the future call scope items before you have to leave.

Sent from my iPhone

On Mar 18, 2020, at 12:28 PM, Starfield, Lawrence <Starfield.Lawrence@epa.gov> wrote:

Joe,

Making sure you heard that Susan and I can only be on from 3-3:30 pm Eastern. FYI.

Larry

From: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>
Sent: Wednesday, March 18, 2020 2:02 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>
Subject: Agenda for COVID-19 call today: quick feedback requested

Hi all, please let us know if the agenda below looks ok for the call today (Susan and Rosemarie, please see specific items in red for you both).

Also, I received a call from one RC about who asked for this call and why, as it is taking away from other critical work. We may want to address that up front (it gets into the Participation topic for future calls).

Thanks,
Joe/Abby/Team

- Agenda

Ex. 5 Deliberative Process (DP)

Joe Wilwerding
OECA Lead Region Coordinator
USEPA Region 8, Enforcement and Compliance Assurance Division

1595 Wynkoop Street, Denver, CO 80202-1129

O: 303-312-6729, Ex. 6 Personal Privacy (PP), wilwerding.joseph@epa.gov

To: Payne, James[payne.james@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Mon 3/23/2020 4:55:03 PM (UTC)
Subject: RE: Enforcement Flexibility document - I THINK I UNDERSTOOD YOUR COMMENTS FROM OUR DISCUSSION

Jim,

I think I understood your comments adequately from our discussion earlier -- let me know if the following is correct, or if there are other comments to add:

Ex. 5 AC/DP

These are all good points. Thanks.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

-----Original Message-----

From: Starfield, Lawrence
Sent: Monday, March 23, 2020 11:24 AM
To: Payne, James <payne.james@epa.gov>
Subject: Enforcement Flexibility document

Jim,

It would be helpful to see your suggested line edits on this document, to make sure I communicate them correctly. Thanks.

Larry

Sent from my iPhone

To: Payne, James[payne.james@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Tue 3/24/2020 5:10:02 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

OK.

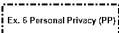

From: Payne, James <payne.james@epa.gov>
Sent: Tuesday, March 24, 2020 1:04 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Thanks. I had sent comments 1-7 below to Matt early yest evening, and they included new comments 5-7 below. He had said to be sure you have them as staff comments.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Tuesday, March 24, 2020 1:01 PM
To: Payne, James <payne.james@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Thanks. We received comments from Matt yesterday.

From: Payne, James <payne.james@epa.gov>
Sent: Tuesday, March 24, 2020 11:17 AM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Hi Larry. Forwarding these as staff technical comments and not as OGC front office-approved comments or policy views. We've spoken about most of comments 2-4 and some of comment 1. And I understand DOJ ENRD has provided comments. Jim 
 NEW CELL

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan

Sent: Sunday, March 22, 2020 11:31 AM

To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Sethuraman, Jag <Sethuraman.Jag@epa.gov>; Molina, Michael <molina.michael@epa.gov>

Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Importance: High

AAs et al,

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Fri 3/27/2020 9:01:19 PM (UTC)
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Important clarification. Thanks.

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 4:50 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

OK.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I agreed Chad and I would do a joint response

From: Bodine, Susan
Sent: Friday, March 27, 2020 2:51 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Further lesson learned,

Let's coordinate with OITA on these types of non-routine communications. Also, Chad recommends sending to tribal leadership rather than the environmental directors.

Susan

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Shiffman, Cari <Shiffman.Cari@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Whew, breathing again.

Kathleen H. Johnson
Senior Policy Advisor
Office of Enforcement and Compliance Assurance
Cell phone: Ex. 6 Personal Privacy (PP)
Johnson.kathleen@epa.gov

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Friday, March 27, 2020 2:48 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good news – it doesn't work outside the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Shiffman, Cari <Shiffman.Cari@epa.gov>
Sent: Friday, March 27, 2020 2:46 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Lesson learned that we should have bcc'd. Let me check if they work outside of the agency.

Thanks,

Cari Shiffman, Chief of Staff
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office: (202) 564-2898 | Mobile: Ex. 6 Personal Privacy (PP)

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Friday, March 27, 2020 2:42 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Hindin, David <Hindin.David@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Looks like David did the same in his email to ECOS.
Let's figure out whether this is an issue or not (i.e. do the lists work for others?)

From: Bodine, Susan
Sent: Friday, March 27, 2020 2:40 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

I have not yet spoken to Chad, but in his voice mail he was particularly concerned that by forwarding my email, Kathleen has given the tribes all of our distribution lists. I don't know if they work outside an EPA system.

Something to be careful of.

Susan

From: McIntosh, Chad <mcintosh.chad@epa.gov>
Sent: Friday, March 27, 2020 1:19 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Subject: Fwd: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

We need to talk asap.,

Ex. 6 Personal Privacy (PP)

W.C. McIntosh
Assistant Administrator
International and Tribal Affairs
United States Environmental Protection Agency
202-564-6600
Begin forwarded message:

From: Pinu'u Stout <pstout@sfpueblo.com>
Date: March 27, 2020 at 12:18:25 PM EDT
To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>
Cc: "McIntosh, Chad" <mcintosh.chad@epa.gov>, "Nishida, Jane" <Nishida.Jane@epa.gov>, "Mason, Scott" <Mason.Scott@epa.gov>, "Wright, Felicia" <Wright.Felicia@epa.gov>, "Byrne, Andrew" <Byrne.Andrew@epa.gov>, EPA HICS <EPA_HICS@epa.gov>, EPA RICS <RICS@epa.gov>, "Binder, Jonathan" <Binder.Jonathan@epa.gov>
Subject: Re: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Good Morning All,

Hearing this news yesterday, was a blow to myself and tribal communities around the nation.

That EPA would forget the most vulnerable populations at this time is unconscionable.

I cannot express to you now, how utterly disgusted we are with the EPA leadership at this moment.

The Tribal Trust responsibility and 1984 Indian Policy has been discarded at the whim and wish of the petroleum industry - who cant even seem to keep enough Nitrile in production to provide our health care workers supplied with gloves.

In addition to all the other life and death challenges we are facing today, we will add the EPA to our list of battles to fight, and we will.

Very sincerely,

Pinu'u Stout

Pueblo of San Felipe

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Thursday, March 26, 2020 3:24:52 PM

Cc: McIntosh, Chad; Nishida, Jane; Mason, Scott; Wright, Felicia; Byrne, Andrew; EPA HICS; EPA RICS; Binder, Jonathan

Subject: FW: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Dear Tribal Leaders, Tribal Environmental Directors, and EPA-Tribal Partnership Groups,

We wanted to share with you the following concerning EPA's enforcement response during the COVID 19 pandemic. Thank you and wishing all of you well during this difficult time.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone Ex. 6 Personal Privacy (PP)

Johnson.kathleen@epa.gov

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 4:19 PM

To: OECA All <OECA_All@epa.gov>; Regional Counsels and Deputies <Regional_Counsels_and_Deputies@epa.gov>; ECAD Directors and Deputies-Designees <ECAD_Directors_and_Deputies-Designees@epa.gov>; Enforcement Coordinators <Enforcement_Coordinators@epa.gov>; Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Regional Enforcement Staff <Regional_Enforcement_Staff@epa.gov>; Regional Enforcement Manager Contacts <Regional_Enforcement_Manager_Contacts@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

Colleagues:

As you know, ongoing efforts to limit the spread of COVID-19 have created unprecedented challenges for the regulated community. We remain mindful of the health and safety of the public, as well as our staff, and those of other Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. We are taking these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we have developed a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

Susan

Susan Parker Bodine

Assistant Administrator

Office of Enforcement and Compliance Assurance

202-564-2440

To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Sat 3/21/2020 3:39:54 PM (UTC)
Subject: RE: Enforcement Flexibilities

Rosemarie,

Ex. 5 Deliberative Process (DP)

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Sent: Friday, March 20, 2020 8:35 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: Fwd: Enforcement Flexibilities

Larry-

Ex. 5 Deliberative Process (DP)

Begin forwarded message:

From: "Bohan, Suzanne" <bohan.suzanne@epa.gov>
Date: March 20, 2020 at 6:30:25 PM EDT
To: "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Cc: "McGuire, Karen" <Mcguire.Karen@epa.gov>
Subject: Enforcement Flexibilities

Rosemarie –

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Suzanne

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202
303.312.6925
Bohan.suzanne@epa.gov

Twitter: [@EPARegion8](#)

Facebook: [U.S. EPA Region 8](#)

Webpage: [EPA Region 8](#) (Mountains and Plains)



To: Bailey-Morton, Ethel[Bailey-Morton.Ethel@epa.gov]
From: Starfield, Lawrence[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A89D6CD217D4254A5879ABECB3F314E-STARFIELD, LAWRENCE]
Sent: Tue 3/10/2020 9:12:10 PM (UTC)
Subject: Fwd: State Requests - CONVID-19 Quarantine Facilities

Please print this for me. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Brooks, Phillip" <Brooks.Phillip@epa.gov>
Date: March 11, 2020 at 4:45:34 AM GMT+10:30
To: "Payne, James" <payne.james@epa.gov>, "Welton, Patricia" <Welton.Patricia@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>
Cc: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Gray, David" <gray.david@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Fried, Gregory" <Fried.Gregory@epa.gov>, "Belser, Evan" <Belser.Evan@epa.gov>
Subject: RE: State Requests - CONVID-19 Quarantine Facilities

Ex. 5 Deliberative Process (DP)

From: Payne, James
Sent: Tuesday, March 10, 2020 12:35 PM
To: Welton, Patricia <Welton.Patricia@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Gray, David <gray.david@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: State Requests - CONVID-19 Quarantine Facilities

To Patricia Welton, Acting Regional Counsel, Region 6

Thanks for your note on states requesting assistance with how potential quarantines may affect implementation of and compliance with environmental laws, perhaps with some similarities to hurricane response. You mentioned one Region 6 refinery has submitted a force majeure notice under an existing enforcement consent decree.

As to OGC, connecting you with Jen Lewis and John Michaud, as they oversee OGC legal support team for emergency response. My understanding is that earlier there had been some internal legal preparations related to Ebola.

Sent from my iPhone

On Mar 10, 2020, at 11:36 AM, Welton, Patricia <Welton.Patricia@epa.gov> wrote:

Good Morning

Region 6 is getting questions from our states requesting frameworks for moving forward in the event of Covid-19 quarantines and will likely be asking for expressions of flexibility for a number of requirements.

Do you know if there is any national guidance coming out or existing resources we can point states to?

As for existing - this seems that it could be similar to a hurricane situation.

In an additional note, we have received one Force Majeure notice already from a refinery under CD in anticipation of a potential event.

I appreciate any guidance,

Tricia

214-665-7327

Rosemarie – I note Larry may be out so sharing this email with you also.

From: Seager, Cheryl <Seager.Cheryl@epa.gov>

Sent: Tuesday, March 10, 2020 10:28 AM

To: Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>;

Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Welton, Patricia <Welton.Patricia@epa.gov>

Subject: FW: State Requests - CONVID-19 Quarantine Facilities

Hi guys – we got this from the DRA – do you know if any other regions have gotten similar requests, and if they have, how they are handling them?

Thanks,

Cheryl

From: Gray, David <gray.david@epa.gov>

Sent: Tuesday, March 10, 2020 10:24 AM

To: Seager, Cheryl <Seager.Cheryl@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>

Subject: State Requests - CONVID-19 Quarantine Facilities

States are asking about how to send a request seeking federal flexibility or consideration for variances or time extensions in federal rules if regulated facilities are subject to a quarantine. Do we have any guidance?

To: Wright, Peter[wright.peter@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Hoskinson, Carolyn[Hoskinson.Carolyn@epa.gov]; Cheatham, Reggie[cheatham.reggie@epa.gov]; Woolford, James[Woolford.James@epa.gov]; Gervais, Gregory[Gervais.Gregory@epa.gov]
Cc: Cook, Steven[cook.steven@epa.gov]; Elliott, Ross[Elliott.Ross@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Guernica, Mimi[Guernica.Mimi@epa.gov]; Young, Jessica[Young.Jessica@epa.gov]
From: Salyer, Kathleen[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D78FB62F65CD4CD8BE1C87C7E4C4CCDE-KSALYER]
Sent: Mon 3/23/2020 3:28:00 PM (UTC)
Subject: RE: Draft OECA Enforcement Message
COVID19 message 03 22 20 ORCR.docx

Hi Peter – attached are edits from ORCR for your consideration. Thanks

From: Wright, Peter <wright.peter@epa.gov>
Sent: Sunday, March 22, 2020 3:19 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>
Subject: Draft OECA Enforcement Message

Deliberative / Close Hold

All

Please find a draft from OECA on enforcement guidance that would once finalize become public. The target is to have comments to Susan Bodine by noon tomorrow. A draft has been circulated to the AAs as well as Region 8 as the lead OECA region.

Thank you for the quick review.

Peter

To: Wright, Peter[wright.peter@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Cook, Steven[cook.steven@epa.gov]
From: Hoverman, Taylor[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA536B11DBE14ABD93EA46912B93ABF2-HOVERMAN, T]
Sent: Mon 3/23/2020 1:11:56 PM (UTC)
Subject: RE: Cleanup Programs and COVID -19

Peter,

I will edit this morning.

Taylor Meredith
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705

Ex. 6 Personal Privacy (PP)

From: Wright, Peter <wright.peter@epa.gov>
Sent: Sunday, March 22, 2020 5:25 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Cleanup Programs and COVID -19

Deliberative

All:

Ex. 5 Deliberative Process (DP)

Thank you,

Peter

To: Wright, Peter[wright.peter@epa.gov]; Cook, Steven[cook.steven@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
Cc: Brooks, Becky[Brooks.Becky@epa.gov]; Hall, Tayoka[Hall.Tayoka@epa.gov]
From: Hilosky, Nick[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=39E1182AC8CD4709AE0787CA4A068D2D-NHILOSKY]
Sent: Fri 3/27/2020 6:36:51 PM (UTC)
Subject: FOR REVIEW: Updated Draft Memo From Carolyn to Regional DDs - for IO and OMB Review
UST Insepctions and COVID 19- Draft Email from Carolyn to the Regional DD 3-27-20.docx

Peter – attached is the revised version from OUST: **Ex. 5 Deliberative Process (DP)**
Nick

From: Wright, Peter <wright.peter@epa.gov>
Sent: Wednesday, March 25, 2020 5:40 PM
To: Hilosky, Nick <Hilosky.Nick@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hall, Tayoka <Hall.Tayoka@epa.gov>
Subject: RE: FOR REVIEW: Draft Memo From Carolyn to Regional DDs - for IO and OMB Review

All

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

We should be able to make the revisions in tomorrow.

Peter

From: Hilosky, Nick <Hilosky.Nick@epa.gov>
Sent: Wednesday, March 25, 2020 5:27 PM
To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hall, Tayoka <Hall.Tayoka@epa.gov>
Subject: FOR REVIEW: Draft Memo From Carolyn to Regional DDs - for IO and OMB Review
Importance: High

Hi All,
Ex. 5 Deliberative Process (DP) Including Mark’s message
below for more context.
Nick

Nicholas J. Hilosky
Special Assistant
Office of Land and Emergency Management
US Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460
ph: 202-566-1942; fax: 202-566-0207

Ex. 6 Personal Privacy (PP)

From: Barolo, Mark <Barolo.Mark@epa.gov>
Sent: Wednesday, March 25, 2020 4:20 PM
To: Hilosky, Nick <Hilosky.Nick@epa.gov>
Cc: Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>
Subject: Draft Memo From Carolyn to Regional DDs - for IO and OMB Review

Hey Nick,

Hope you are doing OK. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Let me know if you need anything more from us. Thanks again.

Mark

To: Wright, Peter[wright.peter@epa.gov]; Cook, Steven[cook.steven@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]
Cc: Salyer, Kathleen[Salyer.Kathleen@epa.gov]; Gervais, Gregory[Gervais.Gregory@epa.gov]
From: Woolford, James[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9A70358E7660435CBE6AFA87B7B9B71B-WOOLFORD, JAMES]
Sent: Sun 3/22/2020 5:24:25 PM (UTC)
Subject: Fwd: Close Hold: OECA Draft Document Re: COVID-19 Implications for Enforcement and Compliance Assurance
COVID19 message 03 22 20 .docx
ATT00001.htm

Latest from OECA
Cyndy has provided addition language to what Dana sent Friday night.

I will forward that under separate cover.

Jim Woolford , Director OSRTI
703-603-8722 (o)

Ex. 6 Personal Privacy (PP) (C)

Sent from my iPhone

Begin forwarded message:

From: "Mackey, Cyndy" <Mackey.Cyndy@epa.gov>
Date: March 22, 2020 at 11:08:05 AM EDT
To: "Woolford, James" <Woolford.James@epa.gov>, "Stalcup, Dana" <Stalcup.Dana@epa.gov>, "Salyer, Kathleen" <Salyer.Kathleen@epa.gov>
Cc: "DeLeon, Rafael" <Deleon.Rafael@epa.gov>
Subject: Close Hold: OECA Draft Document Re: COVID-19 Implications for Enforcement and Compliance Assurance

Jim, Kathleen and Dana

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Sunday, March 22, 2020 10:43 AM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: 3-22-20 version

This is what I plan to send to the AAs today. Thank you for your thoughtful comments.

Ex. 5 Deliberative Process (DP)

As noted earlier, follow on and sector specific memos likely will be needed.

Susan

From: Bodine, Susan

Sent: Saturday, March 21, 2020 9:06 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Version 3

Ex. 5 Deliberative Process (DP) Look at this version.

From: Bodine, Susan

Sent: Saturday, March 21, 2020 8:56 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: Version 2

Attached is a revised version, accepting some comments and making clarifying revisions in response to comments.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 7:32 PM

To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan—

I also made my comments in the document that contains Larry's edits. I preferred the flow of that document.

Rosemarie

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Saturday, March 21, 2020 7:02 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan

Per your request, I made some redline suggestions to the same document that contains Larry's edits.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP) Office Cell)

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From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 5:56 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan,

Your additions make this a much more complete and strong document. I had a couple of suggestions.

Ex. 5 AC/DP

Ex. 5 AC/DP

I have provided redline suggestions on these and a few other points, on the attached.

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 4:05 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I welcome comments. I would like to share with AAs tomorrow.

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Saturday, March 21, 2020 2:36 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Susan –

Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

Rosemarie

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Saturday, March 21, 2020 12:41 PM

To: Hindin, David <Hindin.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Hold on any edits until you see mine.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Hindin, David <Hindin.David@epa.gov>

Sent: Saturday, March 21, 2020 12:34 PM

To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

I think this is a helpful document that OCE has pulled together quickly. Good job!

I agree with Larry's comment. A few comments to consider:

Ex. 5 AC/DP

There are some sentences in the passive voice and would be clearer if active voice, but I am assuming you do not need my help with final editing.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Sent: Saturday, March 21, 2020 11:23 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Ex. 5 AC/DP

Larry

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From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Friday, March 20, 2020 5:13 PM

To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>

Subject: RE: Latest version of enforcement flexibilities paper

Thanks,

I plan to edit this and will send a revision over the weekend based on my call with the AAs. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Susan

From: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>

Sent: Friday, March 20, 2020 3:09 PM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>

Subject: Latest version of enforcement flexibilities paper

Susan—

Attached is a revised draft message to the regions on providing enforcement flexibility to regulated entities. We revised it based on our discussion with you yesterday. It also reflects input from the lead region.

Rosemarie

Rosemarie A. Kelley, Director

Office of Civil Enforcement

Office of Enforcement and Compliance Assurance

202-564-4014

To: Woolford, James[Woolford.James@epa.gov]
Cc: Wright, Peter[wright.peter@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
From: Cook, Steven[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=394F5DEDE6184BC083CF9390E49A192C-COOK, STEVE]
Sent: Thur 3/26/2020 1:30:27 AM (UTC)
Subject: Re: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Hang in there guys.

Sent from my iPhone

On Mar 25, 2020, at 8:13 PM, Woolford, James <Woolford.James@epa.gov> wrote:

Dana and I are still working the document –

Thanks Peter

Ex. 5 Deliberative Process (DP)

Apologies.

Jim Woolford, Director, OSRTI

Phone: 703-603-8722 (work direct)

Ex. 6 Personal Privacy (PP)

Email: Woolford.james@epa.gov

From: Wright, Peter <wright.peter@epa.gov>

Sent: Wednesday, March 25, 2020 8:55 PM

To: Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Subject: RE: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Jim and Dana

Thank you for collecting the comments.

Peter

From: Woolford, James <Woolford.James@epa.gov>

Sent: Wednesday, March 25, 2020 8:41 PM

To: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: Cheatham, Reggie <cheatham.reggie@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>

Subject: FW: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Jim Woolford, Director, OSRTI

Phone: 703-603-8722 (work direct)

Ex. 6 Personal Privacy (PP)

Email: Woolford.james@epa.gov

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Sent: Wednesday, March 25, 2020 7:30 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>

Cc: Leff, Karin <Leff.Karin@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Subject: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Susan, Larry and John:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Mackey, Cyndy

Sent: Wednesday, March 25, 2020 6:40 PM

To: James Woolford (Woolford.James@epa.gov) <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Patterson, Kenneth <patterson.kenneth@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Bruce Kulpan <Kulpan.Bruce@epa.gov>

Subject: Continuation of site cleanup work guidance

Jim and Dana

Please find attached consolidated comments from OSRE, FFEO (Logan Senack and Elizabeth Lukens), and DOJ (Ellen Mahan). **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Please keep in the loop as this document develops further.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

~~202 564 5110 (Office Line)~~

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

To: Wright, Peter[wright.peter@epa.gov]; Cook, Steven[cook.steven@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
Cc: Cheatham, Reggie[cheatham.reggie@epa.gov]; Gervais, Gregory[Gervais.Gregory@epa.gov]; Stalcup, Dana[Stalcup.Dana@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]
From: Woolford, James[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9A70358E7660435CBE6AFA87B7B9B71B-WOOLFORD, JAMES]
Sent: Thur 3/26/2020 12:40:39 AM (UTC)
Subject: FW: OECA Comments on OLEM Guidance on Continuation of Site Cleanup
continuation of site clean up cmmts from OSRE FFEO and DOJ.docx

Jim Woolford, Director, OSRTI

Phone: 703-603-8722 (work direct)

Ex. 6 Personal Privacy (PP)

Email: Woolford.james@epa.gov

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Wednesday, March 25, 2020 7:30 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Leff, Karin <Leff.Karin@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>
Subject: OECA Comments on OLEM Guidance on Continuation of Site Cleanup

Susan, Larry and John:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Mackey, Cyndy

Sent: Wednesday, March 25, 2020 6:40 PM

To: James Woolford (Woolford.James@epa.gov) <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

ED_004611E_00005843-00002

OECA COVID-19 2020
FOIAs_Production006

Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Patterson, Kenneth <patterson.kenneth@epa.gov>; Ergener, Deniz <Ergener.Deniz@epa.gov>; Bruce Kulpan <Kulpan.Bruce@epa.gov>

Subject: Continuation of site cleanup work guidance

Jim and Dana

Please find attached consolidated comments from OSRE, FFEO (Logan Senack and Elizabeth Lukens), and DOJ (Ellen Mahan).

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please keep in the loop as this document develops further.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 Personal Privacy (PP)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

To: Cook, Steven[cook.steven@epa.gov]; Wright, Peter[wright.peter@epa.gov]
From: Hoverman, Taylor[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA536B11DBE14ABD93EA46912B93ABF2-HOVERMAN, T]
Sent: Mon 3/23/2020 7:53:21 PM (UTC)
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
COVID19 message 03 22 20 sdc TM.docx

A few minor suggested edits attached.

Taylor Meredith
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705

Ex. 6 Personal Privacy (PP)

From: Cook, Steven <cook.steven@epa.gov>
Sent: Sunday, March 22, 2020 2:20 PM
To: Wright, Peter <wright.peter@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: RE: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL

Peter –

I made one small change to your sentence.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Steven

From: Wright, Peter <wright.peter@epa.gov>
Sent: Sunday, March 22, 2020 12:47 PM
To: Cook, Steven <cook.steven@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: FW: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
Importance: High

Steven and Taylor

I have slightly marked up Susan’s original draft. Please review and provide any comments that you have.

Thank you,

Peter

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Sunday, March 22, 2020 11:31 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Sopkin, Gregory <sopkin.gregory@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>
Cc: Irving, John <Irving.John@epa.gov>; Doyle, Brett <doyle.brett@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Garvey, Megan <garvey.megan@epa.gov>; Sethuraman, Jag <Sethuraman.Jag@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: DRAFT COVID-19 message DELIBERATIVE ENFORCEMENT CONFIDENTIAL
Importance: High

AAs et al,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks for your input.

Susan

To: Wright, Peter[wright.peter@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Cook, Steven[cook.steven@epa.gov]
From: Hoverman, Taylor[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA536B11DBE14ABD93EA46912B93ABF2-HOVERMAN, T]
Sent: Mon 3/23/2020 7:22:10 PM (UTC)
Subject: RE: Cleanup Programs and COVID -19
Continuation of Site Cleanup Work Guidance March 22 (TM sdc clean).docx

Hi all,

Attached is a clean version that incorporates mine and Steven’s edits. If you would like to see either of our redlines, I can share them.

Please let me know what I can do to keep this moving as quickly as possible.

Taylor Meredith
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705

Ex. 6 Personal Privacy (PP)

From: Wright, Peter <wright.peter@epa.gov>
Sent: Sunday, March 22, 2020 5:25 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Cleanup Programs and COVID -19

Deliberative

All:

Ex. 5 Deliberative Process (DP)

I would recommend that Steven and Taylor take the first crack at editing to be followed by Barry (the document needs quite a bit of cleanup and could use that before being polished). After you have all reviewed it, I will send to Susan and back to our cleanup office directors.

Thank you,

Peter

To: Wright, Peter[wright.peter@epa.gov]
Cc: Cook, Steven[cook.steven@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]
From: Hilosky, Nick[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=39E1182AC8CD4709AE0787CA4A068D2D-NHILOSKY]
Sent: Mon 3/23/2020 5:32:56 PM (UTC)
Subject: Consolidated Comments on the Draft OECA Enforcement Message
COVID19 message 03 22 20 ORCR.docx

Peter,
As requested, below are the consolidated comments from the OLEM programs:

OSRTI

Ex. 5 Deliberative Process (DP)

OEM

Ex. 5 Deliberative Process (DP)

FFRRO

Ex. 5 Deliberative Process (DP)

OUST

Ex. 5 Deliberative Process (DP)

ORCR

Ex. 5 Deliberative Process (DP)

To: Wright, Peter[wright.peter@epa.gov]
Cc: Barolo, Mark[Barolo.Mark@epa.gov]
From: Hoskinson, Carolyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12737D91CB2D48BCA8B226A025DFCF98-CHOSKINS]
Sent: Mon 3/23/2020 3:58:47 PM (UTC)
Subject: FW: Draft OECA Enforcement Message
COVID19 message 03 22 20.docx

Peter – **Ex. 5 Deliberative Process (DP)**

Thanks!

Carolyn Hoskinson, Director
Office of Underground Storage Tanks, US EPA
202-564-2564 or Hoskinson.carolyn@epa.gov
www.epa.gov/ust
Twitter: @EPAland

From: Wright, Peter <wright.peter@epa.gov>
Sent: Sunday, March 22, 2020 3:19 PM
To: Breen, Barry <Breen.Barry@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>
Cc: Cook, Steven <cook.steven@epa.gov>
Subject: Draft OECA Enforcement Message

Deliberative / Close Hold

All

Please find a draft from OECA on enforcement guidance that would once finalize become public. The target is to have comments to Susan Bodine by noon tomorrow. A draft has been circulated to the AAs as well as Region 8 as the lead OECA region.

Thank you for the quick review.

Peter